SUMMARY
OF THE RECOMMENDATIONS OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF (CLCS) IN REGARD TO THE SUBMISSION MADE BY AUSTRALIA ON 15 NOVEMBER 2004 [1]

Recommendations adopted by CLCS on 9 April 2008

[1] [1] The aim of this summary is to provide information which is not of confidential or proprietary nature in order to facilitate the function of the Secretary-General in accordance with CLCS/40/Rev. 1, Annex III, Part V, Rule 11.3. The summary is based on excerpts of the Recommendations and should be made public together with the tables contained in Annex III of these Recommendations.Only additions to excerpted text are paragraphs 2, 3 and 4, and Figures 1, 2 and 3.

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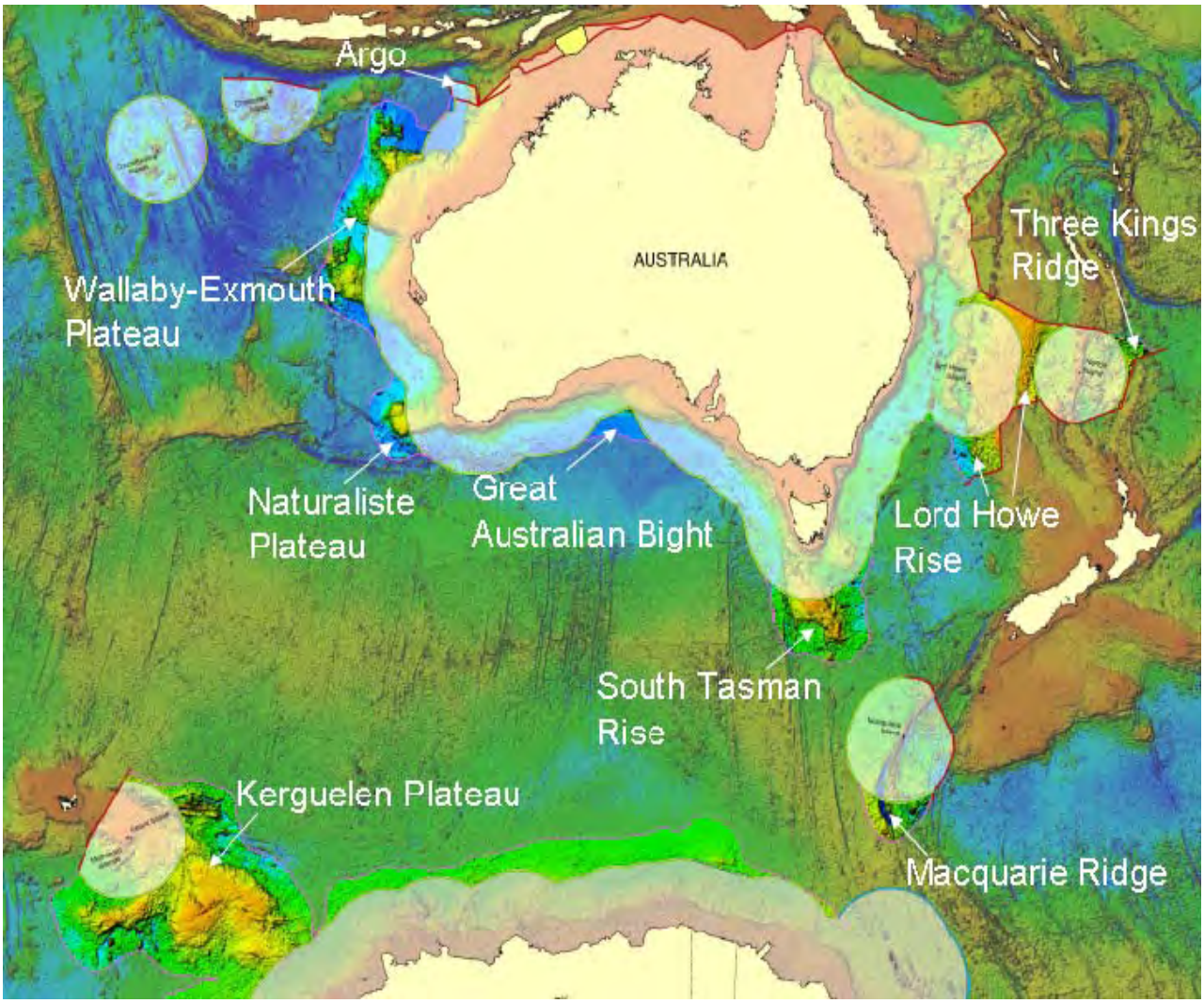

Fig. 1 Overview of the nine regions of the Australian submission considered by the Commission.

I. INTRODUCTION

1 Australia transmitted a Submission to the Commission on the Limits of the Continental Shelf (hereinafter "the Commission"), through the Secretary-General of the United Nations (hereinafter "the Secretary-General"), on 15 November 2004 by a note verbale. This Submission was made pursuant to the provisions contained in Article 76, paragraph 8, and Article 4 of Annex II to the 1982 United Nations Convention on the Law of the Sea (hereinafter "the Convention"). References to article 76 and paragraphs therein shall be understood to mean article 76 of the Convention.

2 The Subcommission carried out its examination of the submission during the following sessions: fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth as well as intersessionaly. During these sessions, the Subcommission held 24 meetings with and posed 18 written questions to the Australian Delegation, which provided to the Subcommission 71 documents (with enclosures), as well as 24 PowerPoint presentations. The Commission considered the recommendations at its twentieth and twenty-first sessions.

3 Based on the note verbale No. 89/2004 from Australia dated 15 November 2004 on the issue of Antarctica (Annex II) the Commission decided not to consider the part of the submission referred to as region 2 in the executive summary of the Australian submission. The Commission also took note of the note verbales from United States of America, the Russian Federation, Japan, Netherlands, Germany and India supporting the said note from Australia. The notes verbale are posted on the website of the Commission.

4 The Commission took note of the notes verbale regarding the Submission of Australia, submitted to the Secretary-General from the Democratic Republic of Timor-Leste Republic regarding the Timor Sea and from France regarding the areas of the Kerguelen Plateau and the Three Kings Ridge. The notes verbale are posted on the website of the Commission.

II. GENERAL PRINCIPLES ON WHICH THESE RECOMMENDATIONS ARE BASED

5 It is reiterated that the examination of Australia's Submission by the Commission have been made in accordance with the mandate contained in article 76 and Annex II to the 1982 United Nations Convention on the Law of the Sea (hereafter herein the Convention). The examination of the Submission and the Recommendations of the Commission are based on the scientific and technical data provided by Australia in the application of article 76. The Recommendations of the Commission only deal with issues related to article 76 and Annex II to the Convention and are without prejudice to matters relating to delimitation between states or application of other parts of the Convention or any other treaties.

6 In its Submission, Australia states that at no point was evidence to the contrary invoked to locate the foot of the continental slope. The base of the continental slope has been determined either by morphology alone or by morphology supported by geology. This methodology is consistent with the dispositions of paragraphs 5.1.3, 5.1.4 and 5.2.1 of the Scientific and Technical Guidelines of the Commission (hereinafter "The Guidelines").

7 In its Submission, Australia has adopted a principle that all 2500 m depth points that lie landward of the foot of the continental slope are valid as base points for the construction of constraint lines at 100 M from the 2500 m isobath in accordance with article 76, paragraph 5. The Commission agrees with this principle which it finds is in accordance with Article 76 and paragraphs 4.4.1 and 4.4.2 of the Guidelines.

8 Australia is of the view that it is possible to use lines not more than 60 M in length to join fixed points on the formula line beyond 200 M to any fixed point on the 200 M line. However the Commission is of the view that the determination of the last segment of the outer limits of the continental shelf shall be established either by the intersection of the formula line, in accordance with article 76, paragraphs 4 and 7, and the 200 M limit from the baselines from which the breadth of the territorial sea is measured, or it shall be determined by the line of shortest distance between the last fixed formula point and 200 M limit. In all cases, the segment cannot exceed 60 M in length in accordance with article 76, paragraph 7.

III. RECOMMENDATIONS

A. Argo Region

1. Geographical region description

9 The Argo Region lies to the north of the Exmouth Plateau and makes up the north-westernmost part of the continental margin of the Australian Continent. The Region does not encompass any major submarine highs. The continental slope has an irregular topography, but is overall clearly defined.

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

10 The outer edge of the continental margin, as generated from the foot of the continental slope of the Argo Region by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits in this Region (Figure A.2).

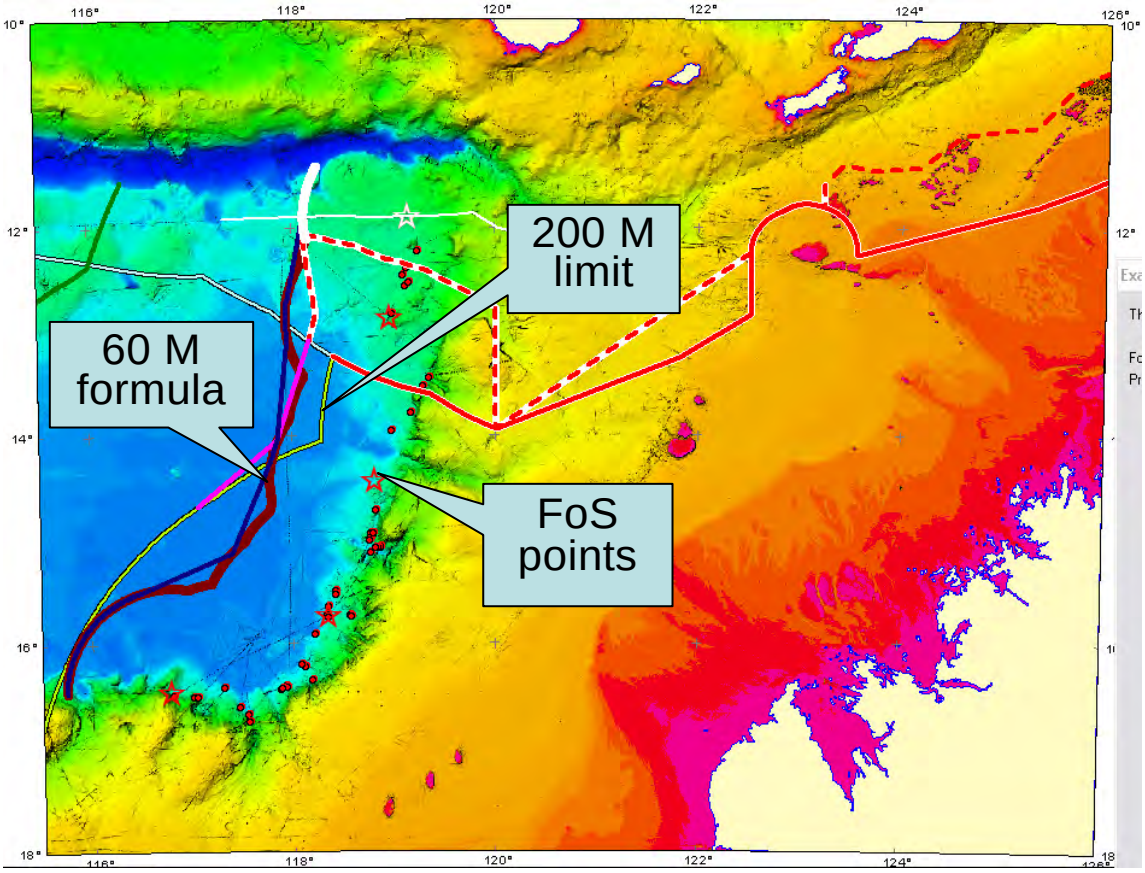

Figure A.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76, paragraph 4(a), in the Argo Region.

3. The determination of foot of the continental slope

11 The foot of the continental slope should be established in accordance with article 76, paragraph 4(b).

12 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 the Commission concludes that, in the area of the Argo Region, the foot of the continental slope points listed in Table A.1, Annex III, fulfil the criteria in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Argo Region.

4. The establishment of the outer edge of the continental margin

13 The outer edge of the continental margin of Australia for the purposes of the Convention in the Argo Region should be established in accordance with article 76, paragraphs 4 and 7.

14 In the Argo Region, the formula line delineating the outer edge of the continental margin is based on points on arcs constructed at 60 M distance from the foot of the continental slope points (Table A.1, Annex III) in accordance with the provision contained in article 76, paragraph 4(a)(ii). The arcs are connected by straight lines not exceeding 60M in length. The Commission agrees with the way these points and lines have been established by Australia.

15 Based on the arcs and points described above, Australia has submitted a formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Argo Region (see Figure A.3). The Commission agrees with the way this formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

5. The establishment of the outer limits of the continental shelf

16 The outer limits of the continental shelf should be based on the established outer edge of the continental margin and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

17 In the Argo Region, Australia has demonstrated that the formula line delineating the outer edge of the continental edge does not exceed 350 M from the territorial sea baselines. The distance criterion constraint line submitted by Australia is constructed by arcs at 350 M distance from the territorial sea baselines included in the Submission. The Commission agrees with the methods applied by Australia in the construction of this constraint line.

5.1 Recommendations

18 The outer limits of the continental shelf in the Argo Region as submitted by Australia in its Submission of 15 November 2004 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table A.2, Annex III. One of the fixed points, ARG-ECS-1, is coincident with the point A82 of the seabed boundary defined by the Indonesian-Australian Delimitation Treaty and lies well inside of the outer edge of the continental margin established as recommended above. The second fixed point, ARG-ECS-2, is a formula point established by the provisions contained in article 76, paragraph 4(a), that coincides with the fixed points that define the outer edge of the continental margin. The third point, ARG-ECS-3, is located on the 200 M limit line. All the fixed points are located landward of the distance criteria constraint line (Figure A.3).

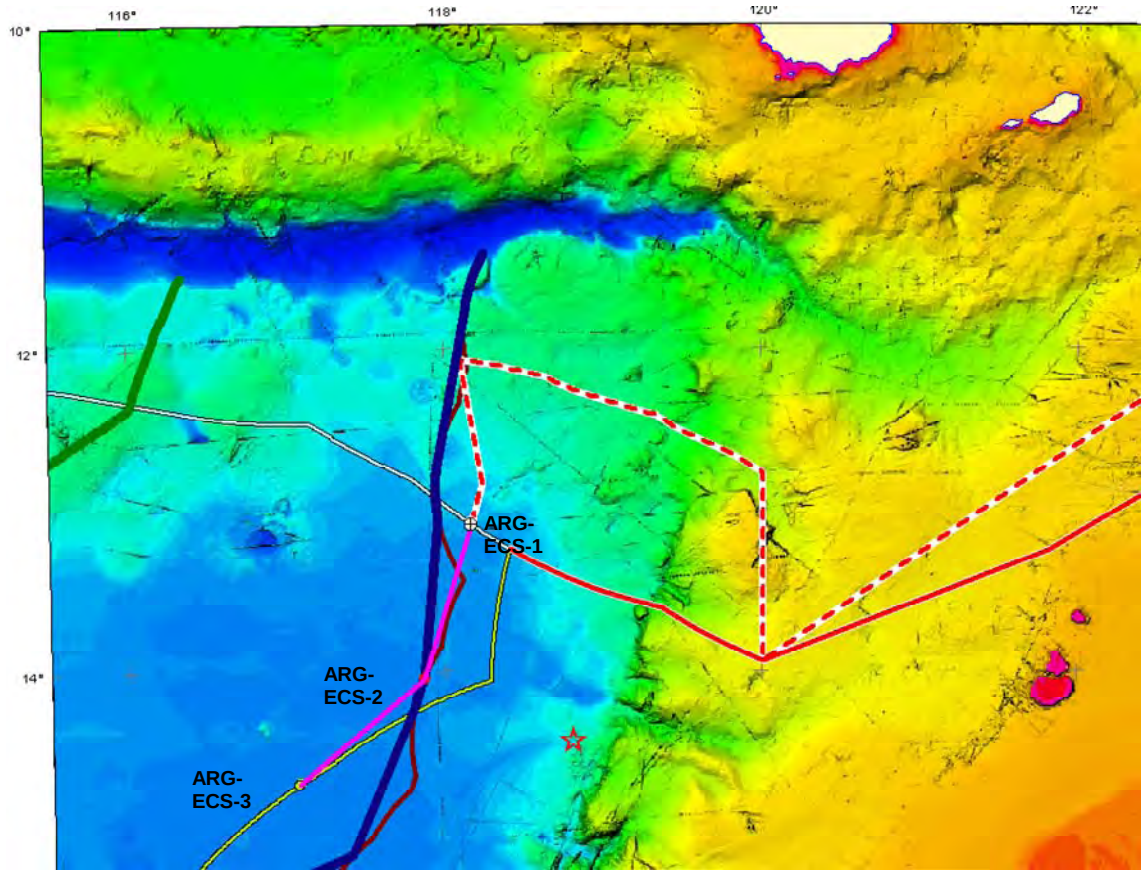

Figure A.3 Final outer limit of the continental shelf in the Argo Region as submitted by Australia. The continental shelf outer limit line (violet) is based on the three fixed points, ECS-ARG-1,-2,-3. The formula line is shown in blue, the 350 M constraint line in dark green, the Australian-Indonesian Delimitation Treaty lines in red and stippled red and white, and the 200 M lines of Australia and Indonesia in black bordered light green and white, respectively.

19 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia for the connection of outer limit continental shelf points beyond 200 M to the 200 M limit line at point ARG-ECS-3 since this method creates area of continental shelf that falls outside of the continental margin as defined in article 76, paragraphs 4 and 7. With the exception of point ARG-ECS-3 the Commission agrees with the principles applied in establishing the outer limits of the continental shelf in the Argo Region, including the determination of the fixed formula points listed in Table A.2, Annex III, and the construction of the straight lines connecting those points. The Commission recommends that point ARG-ECS-3 and its respective connecting line be replaced by a point and a line that conform to the outer edge of the continental margin. The Commission further recommends that Australia proceeds to establish the outer limits of the continental shelf in the Argo Region accordingly.

B. Great Australian Bight Region

1. Geographical region description

20 The Region defined as the Great Australian Bight in the Submission made by Australia is a broad concave embayment constituting a large part of the southern continental margin of Australia.

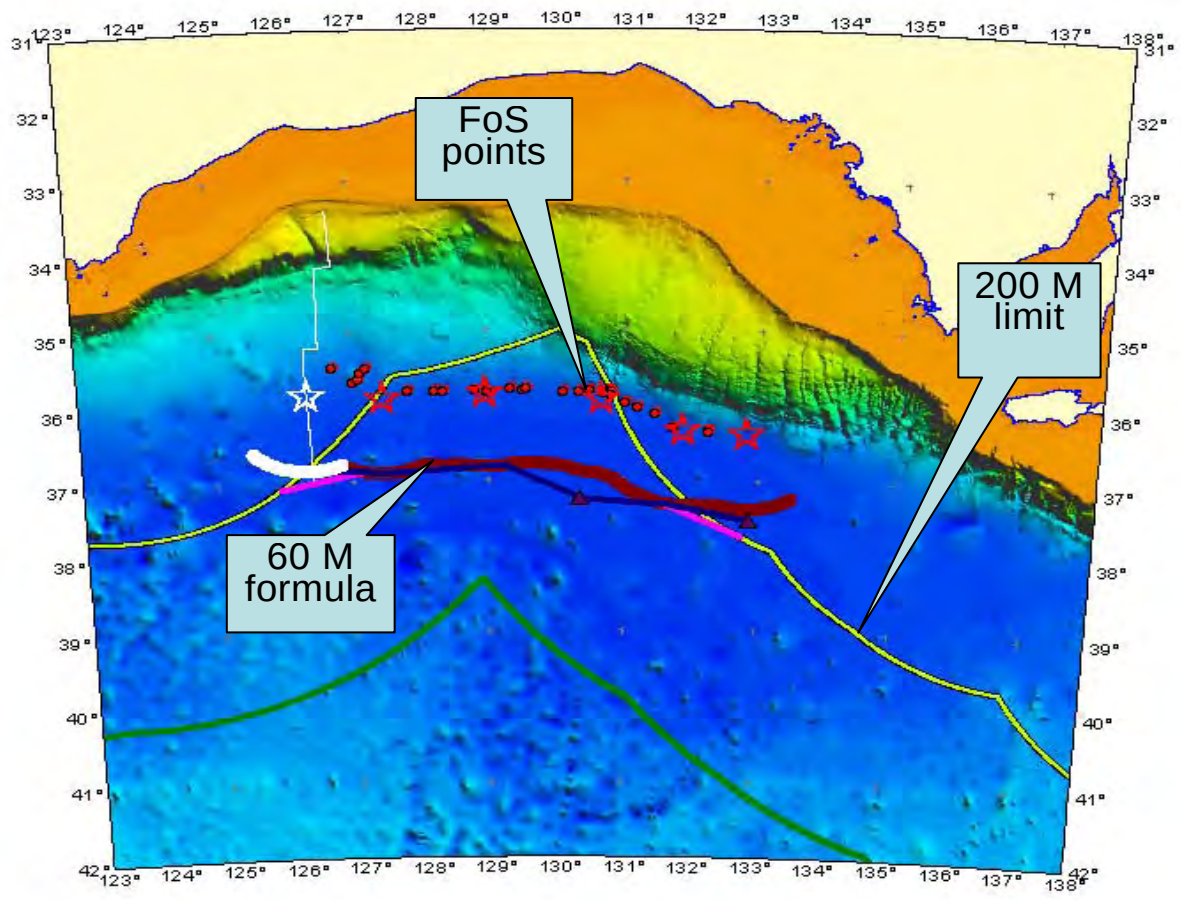

Figure B.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the Great Australian Bight Region.

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

21 The outer edge of the continental margin as generated from the foot of the continental slope of the Great Australian Bight by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission

recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits in this Region (Figure B.2).

3. The determination of foot of the continental slope

22 The foot of the continental slope should be established in accordance with article 76, paragraph 4(b).

3.1 Considerations

23 The seismic lines provided show that the whole continental slope is underlain by several sedimentary rift basins in which the rift related basin fill is constituted by a Jurassic to Cretaceous succession unconformably overlying older sediments and extended continental crust. The outermost seaward of these basins, the Recherche Sub Basin, runs all along strike of the Great Australian Bight underneath the gently sloping part of the continental slope, including the whole width of the Recherche Lower Slope and the lower parts of the continental slope of the Ceduna Terrace.

24 Based on the seaward extent of the Recherche Sub Basin, Australia has defined three geologically supported critical foot of the continental slope points in the Recherche Lower Slope, GAB-FOS-30, -34, and -217. This is based on the argument that the gently sloping lower part of the continental slope (the Recherche Lower Slope) does not constitute a classical rise as defined in paragraphs 6.2.1, 8.1.6 and 8.1.7 of the Guidelines, but is the morphological expression of the underlying continental rift basin, the Recherche Sub Basin, which geologically is a part of the Australian continent. Therefore, Australia considers the base of the continental slope to be in the area of the seaward margin of that rift basin, beyond which normal seafloor spreading has taken place. This model is supported by several seismic profiles and potential field data. Within this base of the continental slope, the individual foot of the continental slope points have been determined by the point of maximum change in the gradient of the continental slope. The Commission has examined all the information and supporting data regarding the definition of these three foot of the continental slope points and agrees with this reasoning and with the approach submitted by Australia.

25 The three remaining critical foot of the continental slope points, GAB-FOS-42, -48, and -216, are defined by morphology alone, but also coincide with outer edge of the underlying Recherche Sub Basin, making them geologically consistent with the geologically supported foot of the continental slope points described above.

26 The Commission thus agrees with the way the foot of the continental slope points in the Great Australian Bight Region have been established.

3.2 Recommendations

27 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 the Commission concludes that, in the Great Australian Bight Region, the foot of the continental slope points listed in Table B.1, Annex III, fulfil the criteria for such points in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Great Australian Bight Region.

4. The establishment of the outer edge of the continental margin

28 The outer edge of the continental margin of Australia for the purposes of the Convention in the Great Australian Bight Region should be established in accordance with article 76, paragraphs 4 and 7.

29 In the Great Australian Bight Region, the formula line delineating the outer edge of the continental margin is partly based on points on arcs constructed at 60 M distance from the foot of the continental slope points GAB-FOS-216, - 30, -34 and -48 (Table B.1, Annex III), in accordance with the provision contained in article 76, paragraph 4(a)(ii). The arcs are connected by straight lines not exceeding 60M in length

30 In the Great Australian Bight Region, Australia has submitted two fixed points, GAB-SED-1 and -4, based on the sediment thickness provision of article 76, paragraph 4(a)(i).

31 Based on the arcs and points described above, Australia has submitted a combined formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Great Australian Bight Region (see Figure B.3). The Commission agrees with the way this formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

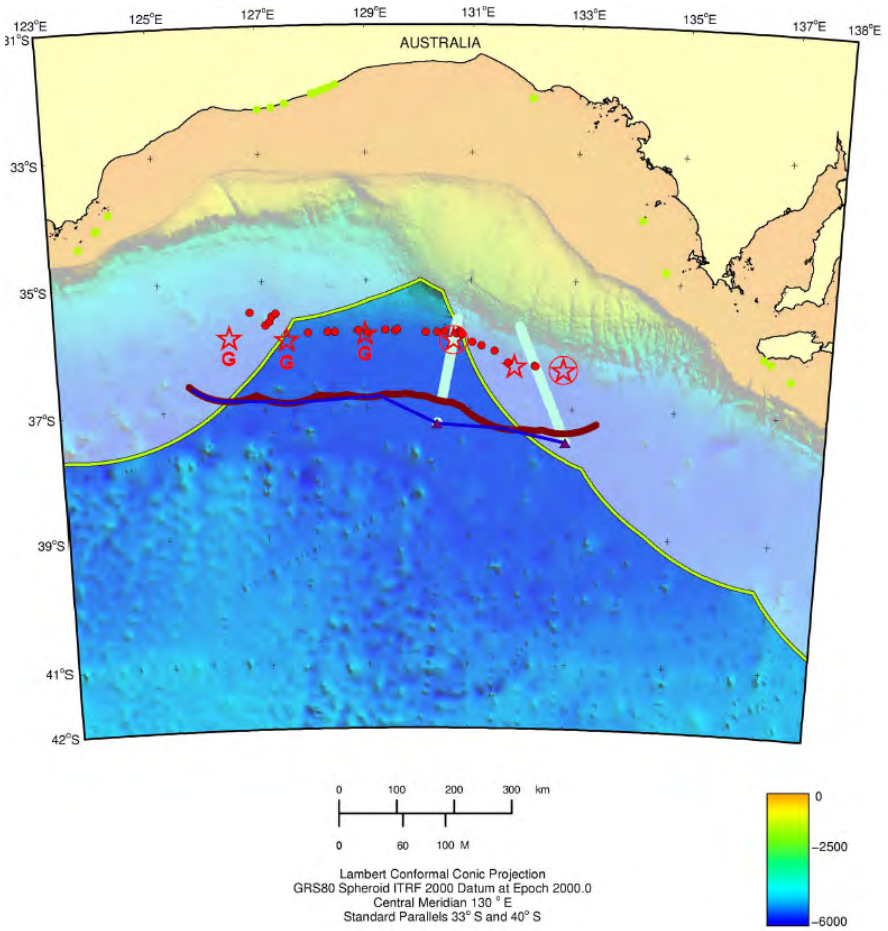

Figure B.3 The outer edge of the continental margin in the Great Australian Bight Region as submitted by Australia. The blue line is the combined formula line established in accordance with article 76, paragraphs 4(a) and 7, as based on the foot of the continental slope points (red stars) submitted by Australia on 15.11.2004. From the first fixed points beyond the 200 M limit line (framed light green line) the blue formula line coincides with the submitted continental shelf outer limit line (violet line).

5. The establishment of the outer limits of the continental shelf

32 The outer limits of the continental shelf should be established based on the outer edge of the continental margin, established as referred to above, and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

5.1 The application of constraint criteria

33 In the Great Australian Bight Region, Australia has demonstrated that the formula line delineating the outer edge of the continental edge does not exceed 350 M from the territorial sea baselines. The distance criterion constraint line submitted by Australia is constructed by arcs at 350 M distance from the territorial sea baselines included in the

Submission. The Commission agrees with the methods applied by Australia in the construction of this constraint line.

5.2 Recommendations

34 The outer limits of the continental shelf in the Great Australian Bight Region as submitted by Australia in its Submission of 15 November 2004 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table B.2, Annex III. All the fixed points are formula points established by the provisions contained in article 76, paragraph 4(a), that coincide with the fixed points that define the outer edge of the continental margin, except the two points GAB-ECS-1 and GAB-ECS-89 that are located on the 200 M limit line. All the fixed points are located landward of the distance criteria constraint line.

35 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia on how the outer limits of the continental shelf beyond the 200 M line is to be connected with that 200 M line at points GAB-ECS-1 and GAB-ECS-89, since this method creates area of continental shelf that falls outside of the continental margin as defined for the purposes of the Convention in accordance with article 76, paragraphs 4 and 7. The Commission recommends that the points GAB-ECS-1 and GAB-ECS-89 and their respective connecting lines are replaced by points and lines that conform to the outer edge of the continental margin.

36 With the exception of points GAB-ECS-1 and GAB-ECS-89, the Commission agrees with the principles applied in establishing the outer limits of the continental shelf in the Great Australian Bight Region, including the determination of the fixed formula points listed in Table B.2, Annex III, and the construction of the straight lines connecting those points. The Commission recommends that Australia proceeds to establish the outer limits of the continental shelf in the Great Australian Bight Region accordingly.

C. Kerguelen Plateau Region

1. Geographical region description

37 The Region defined as the Kerguelen Plateau Region in the Submission made by Australia is located in the Southern Ocean and encompasses the Kerguelen Plateau. This is a large, NNW-SSE trending composite sea-floor high, about 2300 km long and 600 km in average width and consists of the elements: Northern, Central and Southern Kerguelen Plateau (NKP, CKP and SKP), Skiff Bank (SB), Elan Bank (EB) and Williams Ridge (WR).

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

38 The volcanic Heard and McDonald Islands (Australia) are situated on the CKP and constitute the Australian landmass in the Region. The different components of the Kerguelen Plateau form a continuous, elongated morphological feature that constitutes a submarine prolongation of that landmass. The outer edge of the continental margin as generated from the foot of the continental slope of the Kerguelen Plateau by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits in this Region (Figure C. 2).

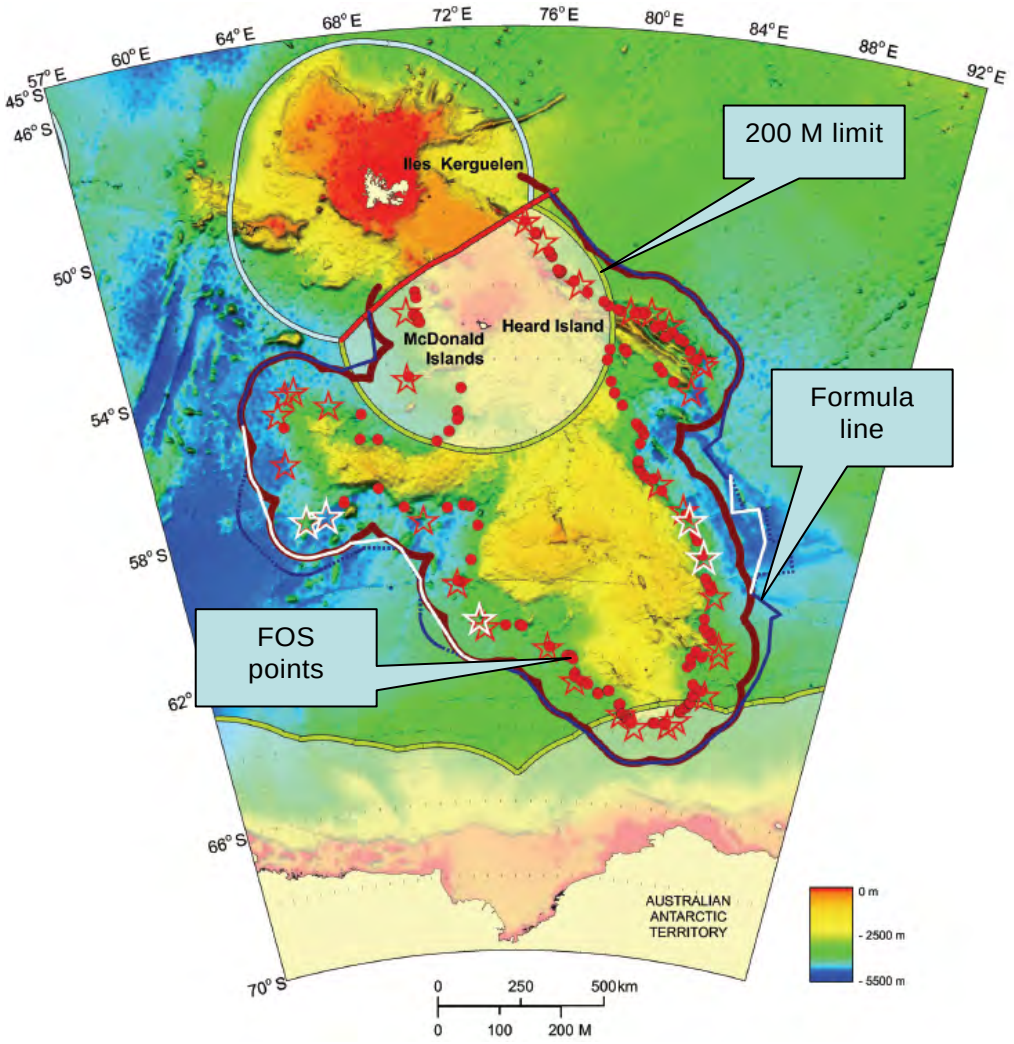

Figure C.2. Relationships between the 200 M limit, the foot of the continental slope points (red dots and stars) and the formula lines (burgundy and blue) established in accordance with article 76, paragraph 4(a), delineating the outer edge of the continental margin (blue and white line) in the Kerguelen Plateau Region. White stars and white lines show the amendments of the foot of the continental slope points and the outer edge of the continental margin line as submitted in AUS-CLCS-DOC-46, -56, -57, and -58.

3. The determination of foot of the continental slope

39 The foot of the continental slope should be established in accordance with article 76, paragraph 4(b).

The location of the base of the continental slope is, with some important exceptions, generally easily identified on a morphological basis. Although the Commission agrees, in general, with the way this foot of the continental slope is established by Australia, it noted some points of disagreement with Austral during the examination of the Submission. The Commission conveyed its opinion to the Australian Delegation. In its

responses AUS-CLCS-DOC-46 of 11 September 2006, and AUS-CLCS-DOC-57 and AUS-CLCS-DOC-58 of 1 March 2007, Australia communicated amendments of the list foot of the continental slope points to those submitted 15 November 2004.

40 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004, AUS-CLCS-DOC-46 of 11 September 2006, and AUS-CLCS-DOC-57 and AUS-CLCS-DOC-58 of 1 March 2007 the Commission concludes that, in the area of the Kerguelen Plateau, the foot of the continental slope points listed in Table C.1, Annex III, fulfil the criteria in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Kerguelen Plateau Region.

4. The establishment of the outer edge of the continental margin

41 The outer edge of the continental margin of Australia for the purposes of the Convention in the Kerguelen Plateau Region should be established in accordance with article 76, paragraphs 4 and 7.

42 With the exception of 12 points, all points defining the formula lines delineating the outer edge of the continental margin in the Kerguelen Plateau Region, are based on arcs constructed at 60 M distance from the foot of the continental slope points (Table C.1, Annex III) in accordance with the provision contained in article 76, paragraph 4(a)(ii). The arcs are connected by straight lines not exceeding 60M in length.

43 In the Kerguelen Plateau Region, Australia has submitted 12 fixed points based on the sediment thickness provision of article 76, paragraph 4(a)(i).

44 Based on arcs and points described above, Australia has submitted a combined formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Kerguelen Plateau Region (see Figure C.2 and Table C.1, Annex III). The Commission agrees with the way this formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

5. The establishment of the outer limits of the continental shelf

45 The outer limits of the continental shelf should be based on the established outer edge of the continental margin and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

46 Accordingly, the provision that the outer limits of the continental shelf may not exceed 350 M distance from the territorial sea baselines (the distance criterion constraint) may be applied in all cases. Alternatively, the provision that the outer limits of the continental shelf may not exceed 100 M distance from the 2500 m isobath (the depth criterion constraint) may be applied for those parts of the continental margin that are classified as natural components of that margin.

5.1.1 Consideration and classification of submarine highs

47 Based on the literature and the evidence in the Submission, including the additional material provided in AUS-CLCS-DOC-54 and AUS-CLCS-DOC-55, the following

considerations and conclusions regarding the application of the constraint provisions may be made.

48 The Heard and MacDonald Islands are situated on the large underwater feature known as the Central Kerguelen Plateau (CKP). The two islands are built up by Moiocene to Recent magmatism erupting through and embedded in the older parts of the crust of the CKP. The major part of the CKP's crust, which has a thickness of up to 25 km, is made of Late Cretaceous magmatic rocks, ca 100 Ma old. In the southern parts of the CKP these magmatic rocks show chemical evidence of contamination by the continental crust.

49 The CKP is connected morphologically to the large underwater feature known as the Southern Kerguelen Plateau (SKP). The major parts of the SKP is also made up of Late Cretaceous magmatic rocks, ca 100 Ma old (90–118 Ma), similar to the crust of the CKP. In the SKP the magmatic rocks show a general contamination by continental crust. The continental crust signature in the magmatic rocks of the CKP and SKP shows the involvement of crust similar to that of the Elan Bank in the deeper levels of the CKP and SKP. The Heard and MacDonald Islands are embedded within the late Cretaceous magmatic crust of the CKP. Consequently, the CKP, SKP and EB are natural components of the continental margin of the Heard and MacDonald Islands being subject to the application of the depth criterion constraint as well as the distance criterion constraint.

50 The data submitted for the WR seems to give only indirect evidence of its nature and origin and the Commission is of the opinion that the geological origin of the WR still remains unresolved. The Commission therefore questions whether the application of paragraph 7.3.1.b of the Guidelines is justified in the case of WR. Therefore the Commission does not consider it justified that the WR is regarded as a submarine elevation that is a natural component of the continental margin in the sense of article 76, paragraph 6, qualifying for the application of the depth criterion constraint.

5.1.2 Application of the combination of the distance and the depth constraint criteria

51 In the Kerguelen Plateau Region Australia has applied a combined constraint line based on the application of both the distance and depth criteria and based on the view that all submarine highs involved qualify for the application of the depth constraint criterion as well as the distance constraint criterion. However, on the basis of the classification of the seafloor highs, the Commission is of the opinion that the application of those parts of the combined constraint line which are based on the 2500 m isobaths on the WR is not justified since the nature of that submarine high with regard to article 76, paragraph 6, is not considered proven. The Commission recommends that the combined constraint line to be applied should be adjusted accordingly.

5.2 Recommendations

52 The outer limits of the continental shelf in the Kerguelen Plateau Region as submitted by Australia 15 November 2004 and revised in AUS-CLCS-DOC-58 of 1 March 2007 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table C.2, Annex III as submitted in AUS-CLCS-DOC-58 of 1 March 2007. The fixed points are formula points established by the provisions contained in article 76, paragraphs 4(a), or points on the combined constraint line established by the provisions contained in article 76, paragraphs 5 and 6.

53 The Commission is not in a position to make Recommendations regarding points KER-ECS-732a and KER-ECS-960a referred to in the Executive Summary of Australia. In this connection the Commission refers to paragraph 8 above, according to which the Commission's Recommendations are without prejudice to matters related to other treaties.

54 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia for the connection of outer limit continental shelf point KER-ECS-2 beyond 200 M to the 200 M limit line at point KER-ECS-1 since this method creates area of continental shelf that falls outside of the continental margin as defined in article 76, paragraphs 4 and 7.

55 The Commission does not agree that the application of fixed points KER-ECS-1260 through KER-ECS-1430 are justified since these points are established on the basis of the depth constraint criterion as based on the 2500 m isobaths on the Williams Ridge. The Commission recommends that the basis for the establishment of these fixed points be further documented or that they be replaced by fixed points in accordance with the distance criterion constraint.

56 With the exception of fixed points KER-ECS-1 and KER-ECS-1260 through KER-ECS-1430 the Commission agrees with the principles and procedure applied in establishing the outer limits of the continental shelf in the Kerguelen Plateau Region, including the determination of the remaining fixed points established by the formulae of article 76, paragraph 4, and the constraint criteria of article 76, paragraphs 5 and 6, listed in Table C.2, Annex III, the construction of the straight lines connecting those points. The Commission further recommends that Australia proceeds to establish the outer limits of the continental shelf in the Kerguelen Plateau Region accordingly and taking into consideration the possible overlap with France.

D. Lord Howe Rise Region

1. Geographical region description

57 The Lord Howe Rise Region comprises the area between the Australian Continent and New Zealand and encompasses several structural elements, including the Dampier Ridge, the Middleton Basin, the Lord Howe Basin, the Lord Howe Rise, the New Caledonia Basin and the Norfolk Ridge. The Lord Howe Island and the Norfolk Island are located on the Lord Howe Rise and the Norfolk Ridge, respectively.

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

58 The Lord Howe Rise Region is a complex morphological feature forming a submarine prolongation of the Lord Howe Island and the Norfolk Island. The outer edge of the continental margin as generated from the foot of the continental slope of the Lord Howe Rise Region by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits (Figures. D.2, D.3 and D.4).

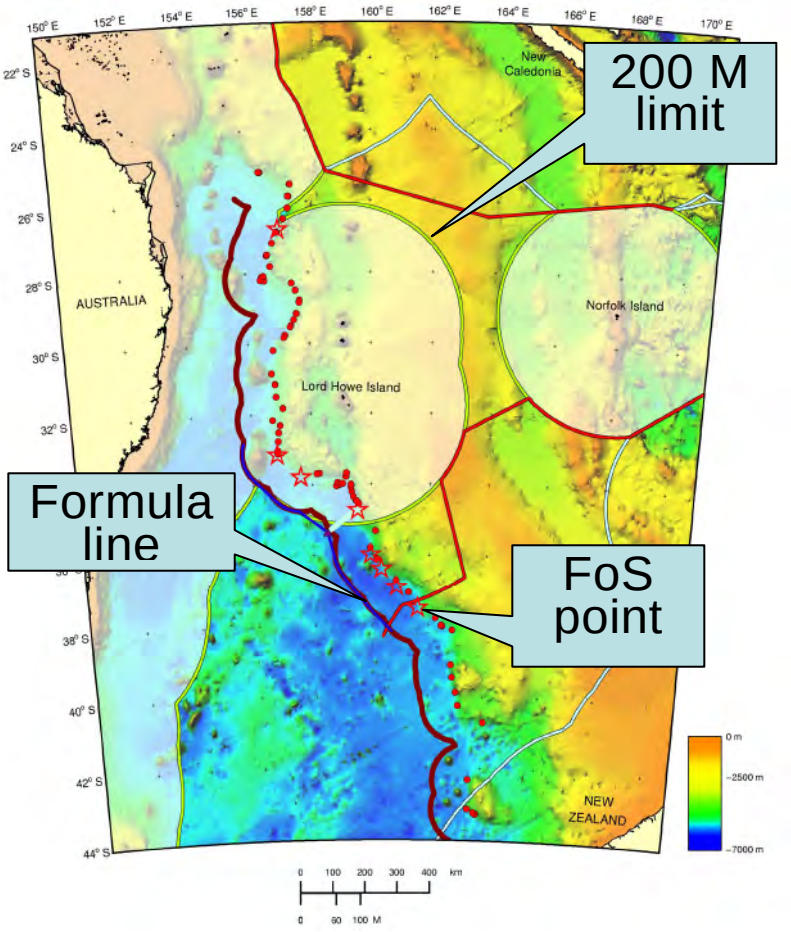

Figure D.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the Lord Howe Rise Region adjacent to the Tasman Basin.

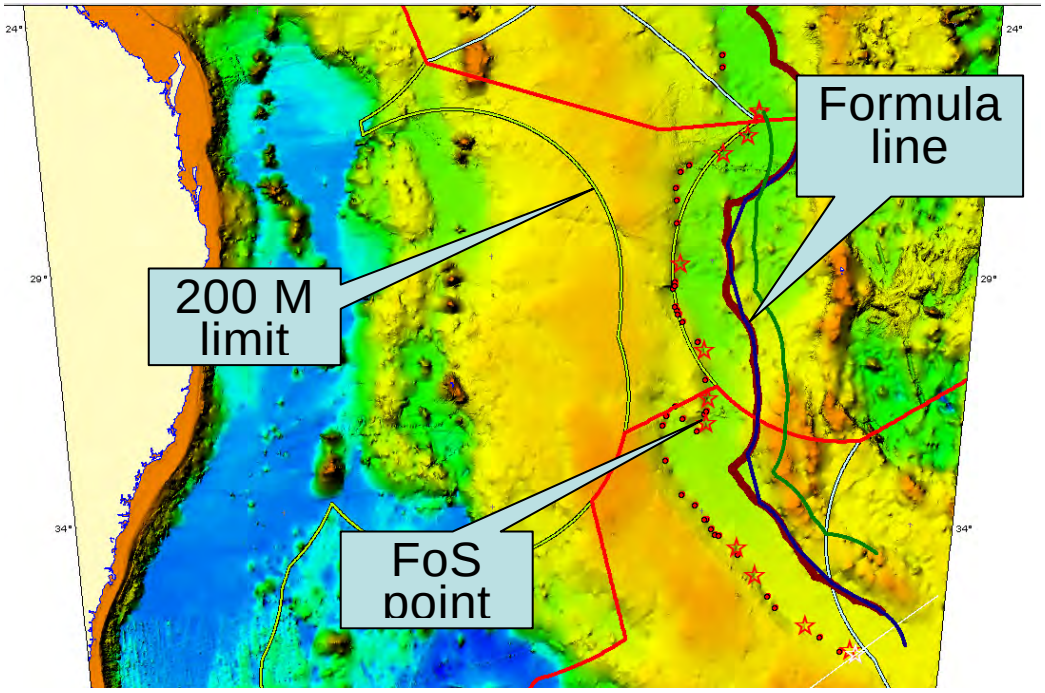

Figure D.3 Relationships in the Lord Howe Rise Region between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the New Caledonia Basin adjacent to the Lord Howe Rise.

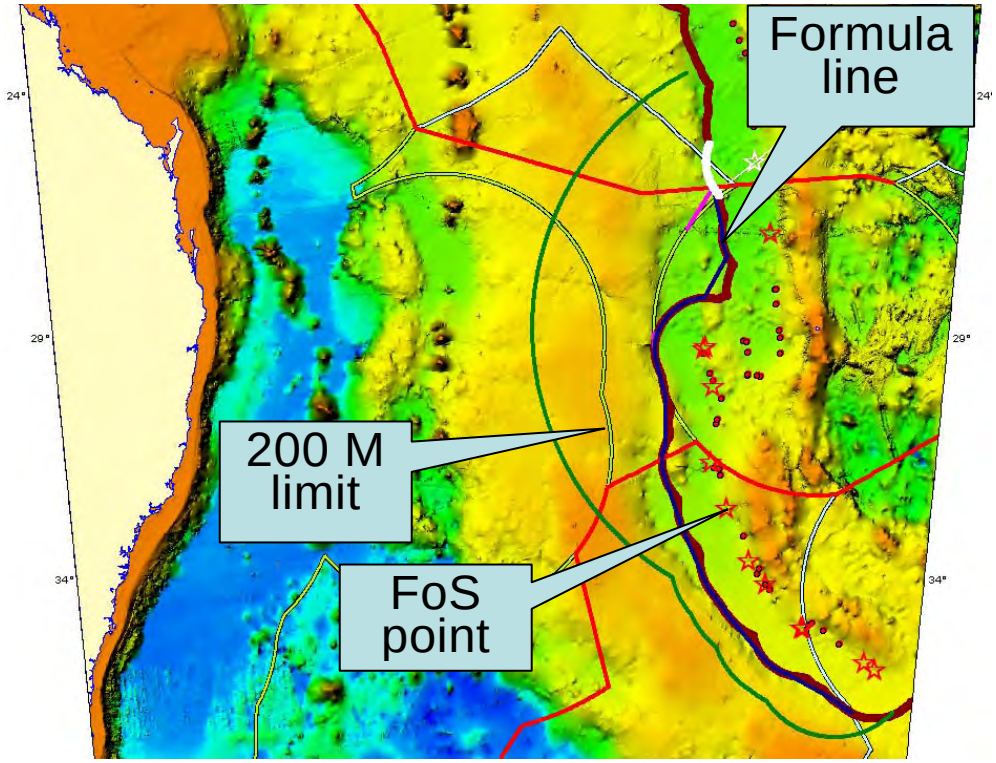

Figure D.4 Relationships in the Lord Howe Rise Region between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the New Caledonia Basin adjacent to the Norfolk/West Norfolk Ridge system.

3. The determination of foot of the continental slope

59 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 the Commission concludes that, in the area of the Lord Howe Rise Region, the foot of the continental slope points listed in Table D.1, Annex III, fulfil the criteria in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Lord Howe Rise Region.

4. The establishment of the outer edge of the continental margin

60 The outer edge of the continental margin of Australia for the purposes of the Convention in the Lord Howe Rise Region should be established in accordance with article 76, paragraphs 4 and 7. In the case of the Lord Howe Rise Region this applies to the continental margin along the Tasman Basin in the southwest and to the continental margins along both sides of the New Caledonia Basin in the northeast, for all three of which Australia has established foot of the continental slope points (see Figures D.2, D.3 and D.4.).

61 With one exception, all points defining the formula lines delineating the outer edge of the continental margin in the Lord Howe Rise Region, are based on arcs constructed at

60 M distance from the foot of the continental slope points Table D.1, Annex III, in accordance with the provision contained in article 76, paragraph 4(a)(ii). The arcs are connected by straight lines not exceeding 60M in length.

62 In the Lord Howe Rise Region, Australia has submitted one fixed point based on the sediment thickness provision of article 76, paragraph 4(a)(i).

63 Based on arcs and points described above, Australia has submitted a combined formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Lord Howe Rise Region along the South Tasman Basin (see Figure D.2.). Furthermore, based on arcs and points above Australia has submitted two formula lines in accordance with article 76, paragraphs 4(a)(ii) and 7, that delineate the outer edge of the continental margins beyond 200 M in the Lord Howe Rise Region along both flanks of the New Caledonia Basin (see Figures. D.3. and D.4.). Of the latter two, one is the outer edge of the continental margin of the landmass of Lord Howe Island, while the other is the outer edge of the continental margin of the landmass of Norfolk Island. The Commission agrees with the way these three formula lines have been constructed and recommends that they are used as the basis for establishing the outer limit of the continental shelf in this Region.

5. The establishment of the outer limits of the continental shelf

64 The outer limits of the continental shelf should be based on the established outer edge of the continental margin and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

65 In the Lord Howe Rise Region Australia has applied a constraint line based on the combination of lines constructed by the application of both the distance and depth criteria contained in article 76, paragraph 5. The Commission agrees with the way this combined constraint line has been constructed.

5.1 Recommendations

66 The outer limits of the continental shelf in the Lord Howe Rise Region along the Tasman Basin as submitted by Australia in its Submission of 15 November 2004 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table D.2, Annex III. All the fixed points are formula points established by the provisions contained in article 76, paragraph 4(a), that coincide with the fixed points that define the outer edge of the continental margin, except the three points LHR-ECS-1 and LHR-ECS-51 that are located on the 200 M limit line and LHR-ECS-117a located on the treaty line with New Zealand. All the fixed points are located landward of the combined depth and distance criteria constraint line, although in one case a straight line connecting fixed points makes a traverse beyond the constraint line.

67 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia for the connection of outer limit continental shelf points beyond 200 M to the 200 M limit line at points LHR-ECS-1 and LHR-ECS-51, since this method creates area of continental shelf that falls outside of the continental margin as defined in article 76, paragraphs 4 and 7, and since LHR-ECS-1 is situated on the 200 M line of the Australian Mainland which is not proven to be in morphological continuity with Lord Howe Island landmass.

68 With the exception of points LHR-ECS-1 and LHR-ECS-51, the Commission agrees with the principles applied in establishing the outer limits of the continental shelf in the Lord Howe Rise Region, including the determination of the fixed formula points listed in Table D.2, Annex III, and the construction of the straight lines connecting those points. The Commission recommends that points LHR-ECS-1 and LHR-ECS-51 and their respective connecting lines be replaced by the points and lines that conform to the outer edge of the continental margin. The Commission further recommends that Australia proceeds to establish the outer limits of the continental shelf in the Lord Howe Rise Region along the Tasman Basin accordingly.

69 The Commission recognises that the continental margins, as established for the purposes of the Convention, of the landmasses of the Lord Howe Island and the Norfolk Island in the New Caledonia Basin overlap completely with each other and with the treaty lines with France in the north and New Zealand in the south, so that the continental shelf will cover the entire area outside 200 M on the Australian side of the treaty lines in this area. The Commission recommends that Australia proceeds to establish the limits of the continental shelf around the Caledonian Basin accordingly.

E. Macquarie Ridge Region

1. Geographical region description

70 The Macquarie Ridge Region is dominated by the Macquarie Ridge Complex which consists of a system of segments of steep-sided and narrow ridges and trenches that separates the Emerald Basin to the east from the Tasman and Australian-Antarctic Basins to the west. The Macquarie Ridge Complex extends northwards and southward from the Macquarie Island.

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

71 The Macquarie Ridge Complex is an elongated morphological feature forming a submarine prolongation of the continent. The ridge segments to the south are interconnected across two saddle areas, which rise 2000 m and 700 m above the adjacent deep ocean floor, respectively. The outer edge of the continental margin as generated from the foot of the continental slope of the Macquarie Ridge Complex by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits (Figure E.2).

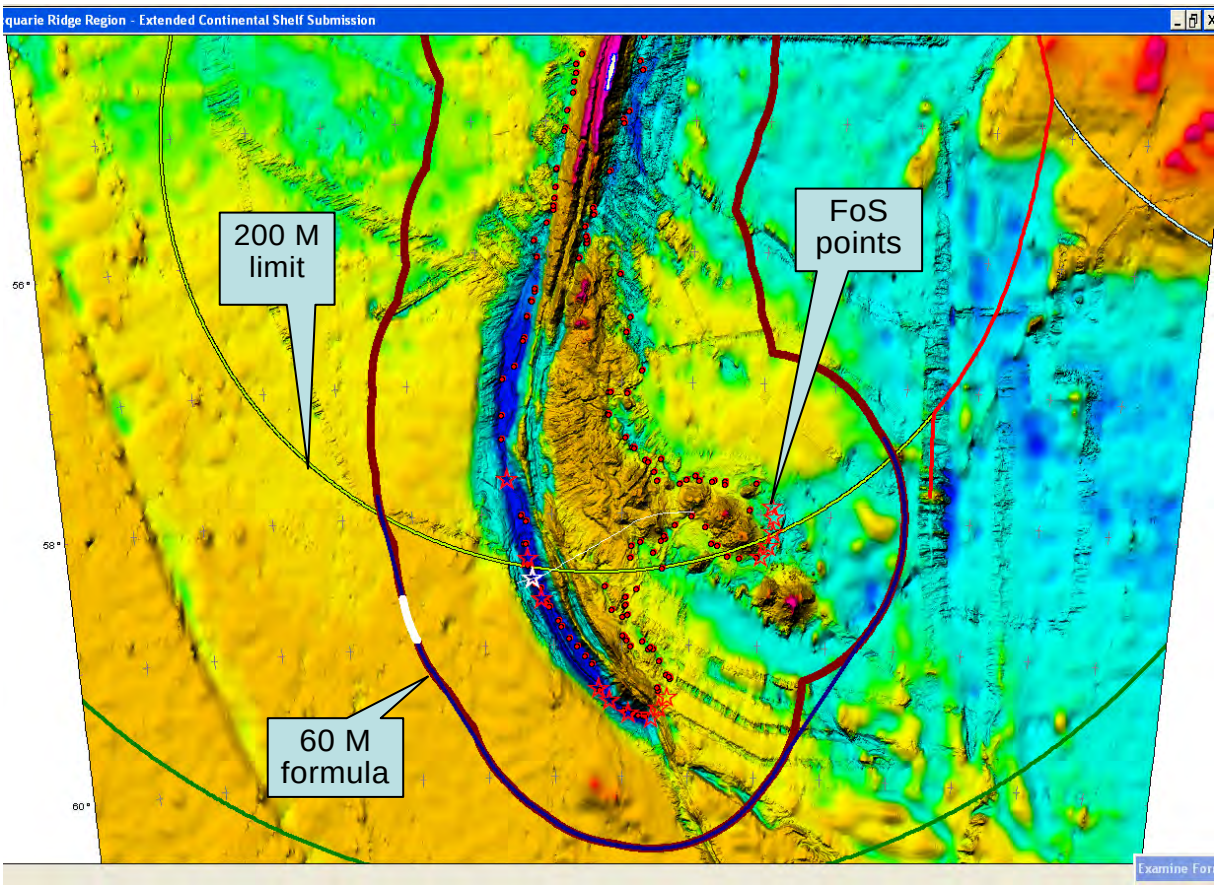

Figure E.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the Macquarie Ridge Region. White arrows point out saddle regions critical for the morphological continuity.

3. The determination of foot of the continental slope

72 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 the Commission concludes that, in the Macquarie Ridge Region, the foot of the continental slope points listed in Table E.1, Annex III, fulfil the criteria for such points in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Macquarie Ridge Region.

4. The establishment of the outer edge of the continental margin

73 In the Macquarie Ridge Region, Australia has submitted a formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Macquarie Ridge Region (see Figure E.2. and Table E.1, Annex III). The Commission agrees with the way this formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

5. The establishment of the outer limits of the continental shelf

74 The outer limits of the continental shelf should be established based on the outer edge of the continental margin, established as referred to above, and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

75 In the Macquarie Ridge Region, Australia has demonstrated that the formula line delineating the outer edge of the continental margin does not exceed 350 M from the territorial sea baselines. The distance criterion constraint line submitted by Australia is constructed by arcs at 350 M distance from the territorial sea baselines included in the Submission. The Commission agrees with the methods applied by Australia in the construction of this constraint line.

5.1 Recommendations

76 The outer limits of the continental shelf in the Macquarie Ridge Region as submitted by Australia in its Submission of 15 November 2004 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table E.2, Annex III. All the fixed points are formula points established by the provisions contained in article 76, paragraph 4(a), that coincide with the fixed points that define the outer edge of the continental margin, except the two points MAC-ECS-31 and MAC-ECS-431a that are located on the 200 M limit line and the treaty line with New Zealand, respectively. All the fixed points are located landward of the distance criteria constraint line.

77 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia on how the outer limits of the continental shelf beyond the 200 M line is to be connected with that 200 M line at points MAC-ECS-31 and MAC-ECS-431a, since this method creates area of continental shelf that falls outside of the continental margin as defined for the purposes of the Convention in accordance with article 76, paragraphs 4 and 7. The Commission recommends that the points MAC-ECS-31 and MAC-ECS-431a and their respective connecting lines are replaced by points and lines that conform to the outer edge of the continental margin.

78 With the exception of points MAC-ECS-31 and MAC-ECS-431a, the Commission agrees with the principles applied in establishing the outer edge of the continental margin in the Macquarie Ridge Region, including the determination of the fixed formula points listed in Table E.2, Annex III, and the construction of the straight lines connecting those points. The Commission recommends that Australia proceeds to establish the outer limits of the continental shelf in the Macquarie Ridge Region accordingly.

F. Naturaliste Plateau Region

1. Geographical region description

79 The Naturaliste Plateau is a plateau extending westwards from the south-western coast of the Australian continent. The plateau is connected with the Yallingup Shelf of the Australian continent by a slightly deeper saddle area named the Naturaliste Trough. The Naturaliste Trough is only 200–300 m deeper than the outer parts of the plateau which is at a general depth of 2400 m. Thus, the Naturaliste Plateau rises 2500 m and 3000 m above the abyssal plains to the north and south, respectively.

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

80 The Naturaliste Plateau is a morphological feature forming a submarine prolongation of the continent. The outer edge of the continental margin as generated from the foot of the continental slope of the Naturaliste Plateau by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits in the Naturaliste Plateau Region (Figure F.2).

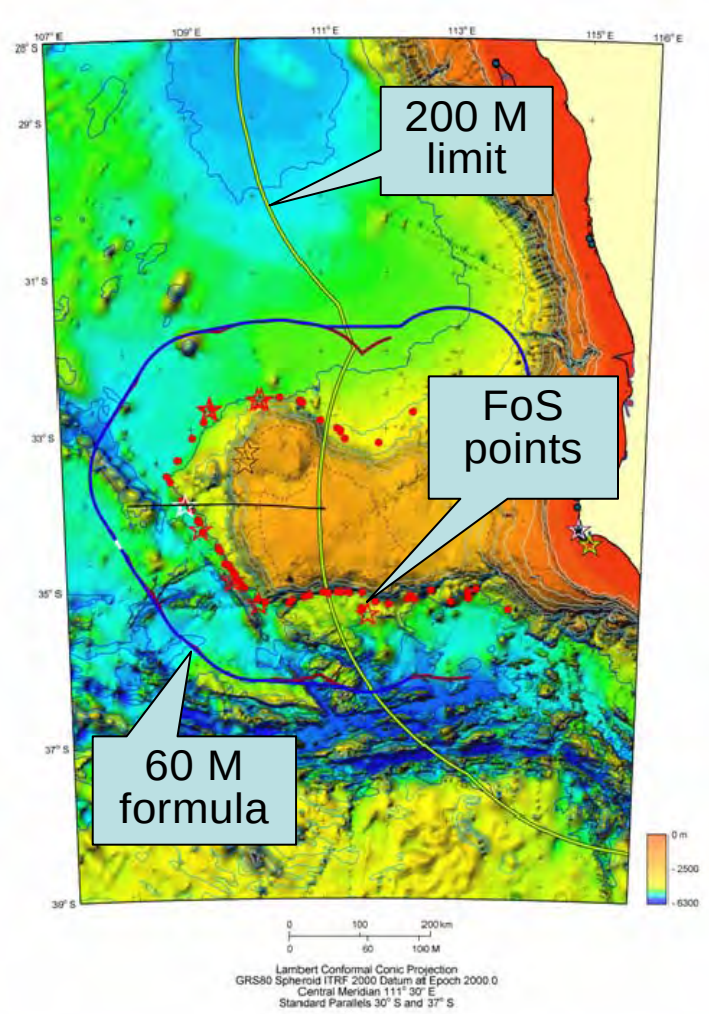

Figure F.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according to article 76. 4(a) in the Naturaliste Plateau Region.

3. The determination of foot of the continental slope

81 The foot of the continental slope should be established in accordance with article 76, paragraph 4(b).

82 The Commission agreed, in general, with the way this foot of the continental slope was established by Australia, except in the cases of foot of the continental slope points NAT-FOS-72, -11, -121, -73, and -84.

83 In AUS-CLCS-DOC-43 Australia amended the foot of the continental slope points accordingly.

84 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 and AUS-CLCS-DOC-43 of 1 September 2006 the Commission concludes that, in the area of the Naturaliste Plateau Region, the foot of the continental slope points listed in Table F.1, Annex III, fulfil the criteria in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Naturaliste Plateau Region.

4. The establishment of the outer edge of the continental margin

85 The outer edge of the continental margin of Australia for the purposes of the Convention in the Naturaliste Plateau Region should be established in accordance with article 76, paragraphs 4 and 7.

86 In the Naturaliste Plateau Region, Australia has submitted a formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Naturaliste Plateau Region (see Figure F.3 and Table F.1, Annex III). The Commission agrees with the way this formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

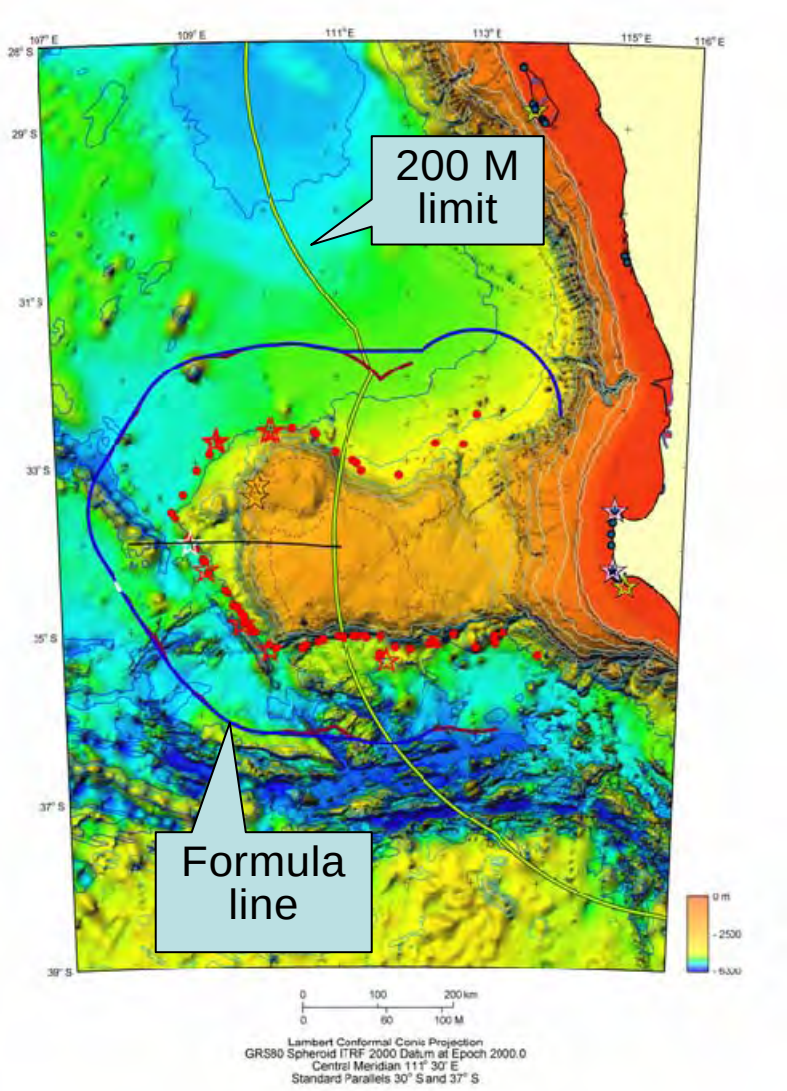

Figure F.3 The outer edge of the continental margin in the Naturaliste Plateau Region defined by the formula line established in accordance with article 76, paragraphs 4(a)(ii) and 7, as based on the foot of the continental slope points submitted by Australia on 15 November 2004 and revised as per AUS-CLCS-DOC-44 submitted on 1 September 2006.

5. The establishment of the outer limits of the continental shelf

87 The outer limits of the continental shelf should be based on the established outer edge of the continental margin and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

88 In the Naturaliste Plateau Region Australia has applied a constraint line based on the combination of lines constructed by the application of both the distance and depth criteria contained in article 76, paragraph 5. The Commission agrees with the way this combined constraint line has been constructed.

5.1 Recommendations

89 The outer limits of the continental shelf in the Naturaliste Plateau Region as submitted by Australia in its Submission of 15 November 2004 and revised in AUS-CLCS-DOC-43 of 1 September 2006 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table F.2, Annex III, as submitted in AUS-CLCS-DOC-43-ANNEX1. The fixed points are formula points established by the provisions contained in article 76, paragraph 4(a), or points on the constraint line where the outer edge of the continental margin extends beyond the constraints. Two points NAT-ECS-1 and NAT-ECS-R1-138 are located on the 200 M limit line..

90 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia for the connection of outer limit continental shelf points beyond 200 M to the 200 M limit line at points NAT-ECS-1 and NAT-ECS-R1-138, since this method creates area of continental shelf that falls outside of the continental margin as defined in article 76, paragraphs 4 and 7. With the exception of points NAT-ECS-1 and NAT-ECS-R1-138, the Commission agrees with the principles applied in establishing the outer limits of the continental shelf in the Naturaliste Plateau Region, including the determination of the fixed formula points listed in Table F.2, Annex III, and the construction of the straight lines connecting those points. The Commission recommends that points NAT-ECS-1 and NAT-ECS-R1-138 and their respective connecting lines be replaced by the points and lines that conform to the outer edge of the continental margin. The Commission further recommends that Australia proceeds to establish the outer limits of the continental shelf in the Naturaliste Plateau Region accordingly.

G. South Tasman Rise Region

1. Geographical region description

91 The Region defined as the South Tasman Rise Region in the Submission made by Australia encompasses the two major geomorphological structural elements the South Tasman Rise and the East Tasman Plateau.

92 The South Tasman Rise is a large, NNW-SSE trending elongate plateau extending approximately 700 km southwards from the Australian state of Tasmania . In the northeast the South Tasman Rise is separated from the East Tasman Plateau by the L'Atalante Depression. In the north, the South Tasman Rise is attached to the rest of the Australian continent through the South Tasman Saddle having seafloor depths in the order of 3000 m.

93 The East Tasman Plateau is an almost equidimensional plateau about one third the size of the South Tasman Rise. The saddle area connecting the East Tasman Plateau with the rest of the Australian continent is less pronounced than the South Tasman Saddle and rises more than 1000 m above the surrounding abyssal plain

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

2.1 The South Tasman Rise

94 The South Tasman Rise is a morphological feature forming a submarine prolongation of the Australian continent. The saddle area, the South Tasman Saddle, rises more than 1000 m above the abyssal plains in the west and east. In the view of the Commission, this implies that the South Tasman Rise is in morphological continuity with the Australian Continent. Australia has demonstrated that the outer edge of the continental margin as generated from the foot of the continental slope of the South Tasman Rise by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limit from the Australian territorial baseline. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limit from the baseline in this Region (Figure G.2).

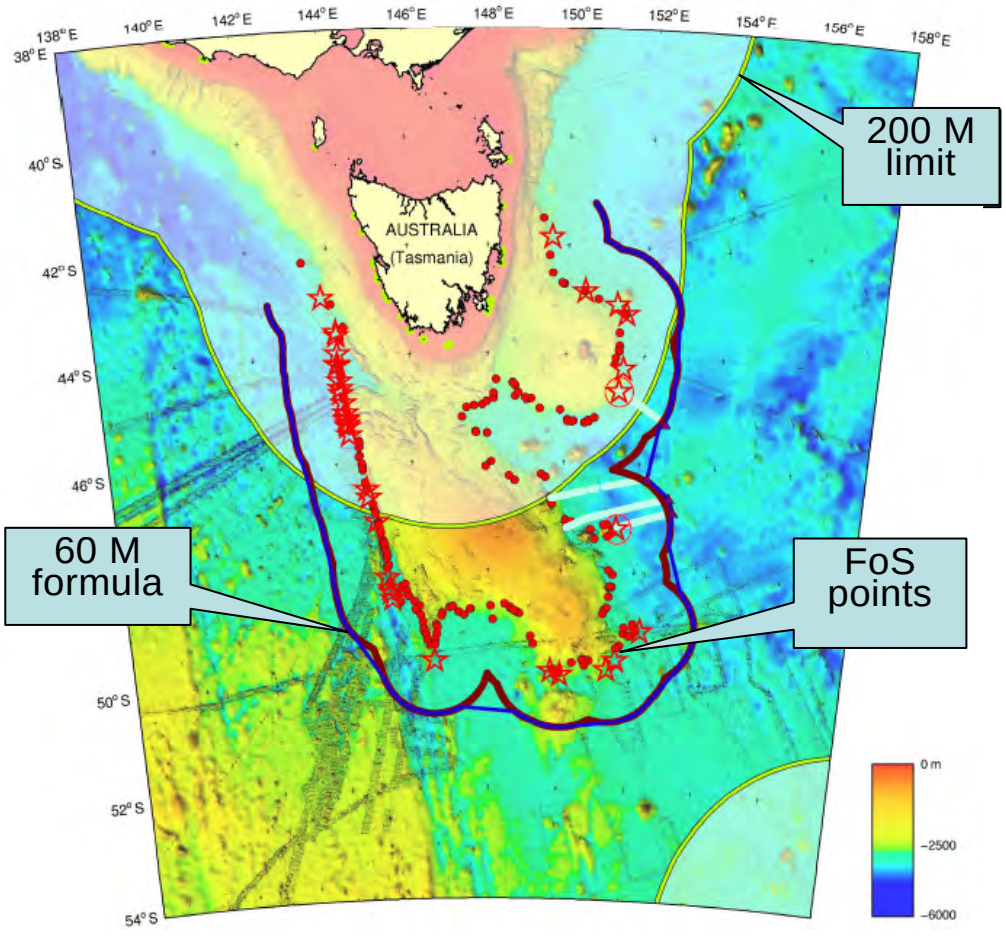

Figure G.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the South Tasman Rise Region.

2.2 The East Tasman Plateau

95 The East Tasman Plateau forms a submarine prolongation of the continent. The outer edge of the continental margin as generated from the foot of the continental slope of the East Tasman Plateau by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits in this Region (Figure G.2).

3. The determination of foot of the continental slope

96 The foot of the continental slope should be established in accordance with article 76, paragraph 4(b).

97 The continental slope around the South Tasman Rise is generally steep ending on the deep ocean floor as the rise is missing. The location of the base of the continental slope, i.e. the transition from the continental slope to the deep ocean floor is distinct and generally easily identified on a morphological basis. Accordingly, the South Tasman Rise may be readily delineated by its foot of the continental slope envelope and the Commission agreed, in general, with the way this foot of the continental slope was established by Australia, except in the cases of foot of continental slope points STR-FOS-37, -254, -255, and -258. In AUS-CLCS-DOC-44 Australia amended the foot of the continental slope points accordingly.

98 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 and AUS-CLCS-DOC-44 of 1 September 2006 the Commission concludes that, in the area of the South Tasman Rise and the East Tasman Plateau, the foot of the continental slope points listed in Table G.1, Annex III, fulfil the criteria in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the South Tasman Rise Region.

4. The establishment of the outer edge of the continental margin

99 The outer edge of the continental margin of Australia for the purposes of the Convention in the South Tasman Rise Region should be established in accordance with article 76, paragraphs 4 and 7.

100 In the South Tasman Rise Region, the formula line delineating the outer edge of the continental margin is based on points on arcs constructed at 60 M distance from the foot of the continental slope points listed in Table G.1, Annex III, in accordance with provision contained in article 76, paragraph 4(a)(ii).

101 In the South Tasman Rise Region, Australia has submitted four fixed points based on the sediment thickness provision of article 76, paragraph 4(a)(i).

102 Based on the fixed points referred to above (see Table G.1, Annex III), Australia has submitted a combined formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the South Tasman Rise Region (see Figure G.3). The Commission agrees with the way this formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

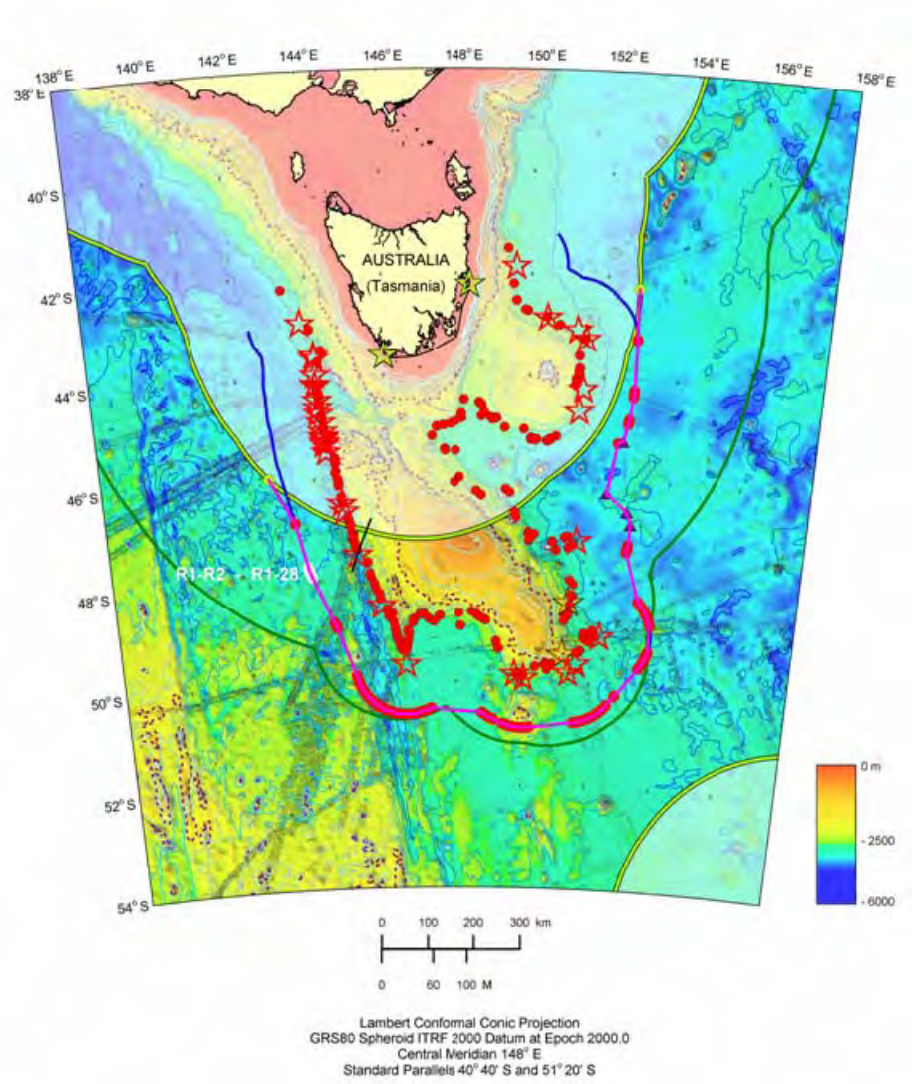

Figure G.3 The outer edge of the continental margin in the South Tasman Rise Region as submitted by Australia. The blue line is the combined formula line established in accordance with article 76, paragraphs 4(a) and 7, as based on the foot of the continental slope points submitted by Australia on 15 November 2004 and revised as per AUS-CLCS-DOC-44 submitted on 1 September 2006. From the first fixed points beyond the 200 M limit line (framed light green line) the blue formula line coincides with the submitted continental shelf outer limit line (violet line).

5. The establishment of the outer limits of the continental shelf

103 The outer limits of the continental shelf should be based on the established outer edge of the continental margin and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

104 In the South Tasman Rise Region Australia has applied a constraint line based on the combination of lines constructed by the application of both the distance and depth

criteria contained in article 76, paragraph 5. The Commission agrees with the way this combined constraint line has been applied.

5.1 Recommendations

105 The outer limits of the continental shelf in the South Tasman Rise Region as submitted by Australia in its Submission of 15 November 2004 and revised in AUS-CLCS-DOC-44 of 1 September 2006 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table G.2, Annex III, as submitted in AUS-CLCS-DOC-44-ANNEX1. All the fixed points are formula points established by the provisions contained in article 76, paragraph 4(a), that coincide with the fixed points that define the outer edge of the continental margin, except the two points STR-ECS-1 and STR-ECS-647 that are located on the 200 M limit line. All the fixed points are located landward of the combined depth and distance criteria constraint line, although in two cases parts of the straight lines connecting fixed points make traverses beyond the constraint line (Figure G.3).

106 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia for the connection of outer limit continental shelf points beyond 200 M to the 200 M limit line at points STR-ECS-1 and STR-ECS-647, since this method creates area of continental shelf that falls outside of the continental margin as defined in article 76, paragraphs 4 and 7. With the exception of points STR-ECS-1 and STR-ECS-647, the Commission agrees with the principles applied in establishing the outer limits of the continental shelf in the South Tasman Rise Region, including the determination of the fixed formula points listed in Table G.2, Annex III, and the construction of the straight lines connecting those points. The Commission recommends that points STR-ECS-1 and STR-ECS-647 and their respective connecting lines be replaced by points and lines that conform to the outer edge of the continental margin. The Commission further recommends that Australia proceeds to establish the outer limits of the continental shelf in the South Tasman Rise Region accordingly.

H. Three Kings Ridge Region

1. Geographical region description

107 The Three Kings Ridge Region lies to the east of the Norfolk Ridge and makes up the easternmost part of the continental margin as submitted by Australia. The ridge after which the Region is named lies within the New Zealand maritime space following the treaty between Australia and New Zealand .

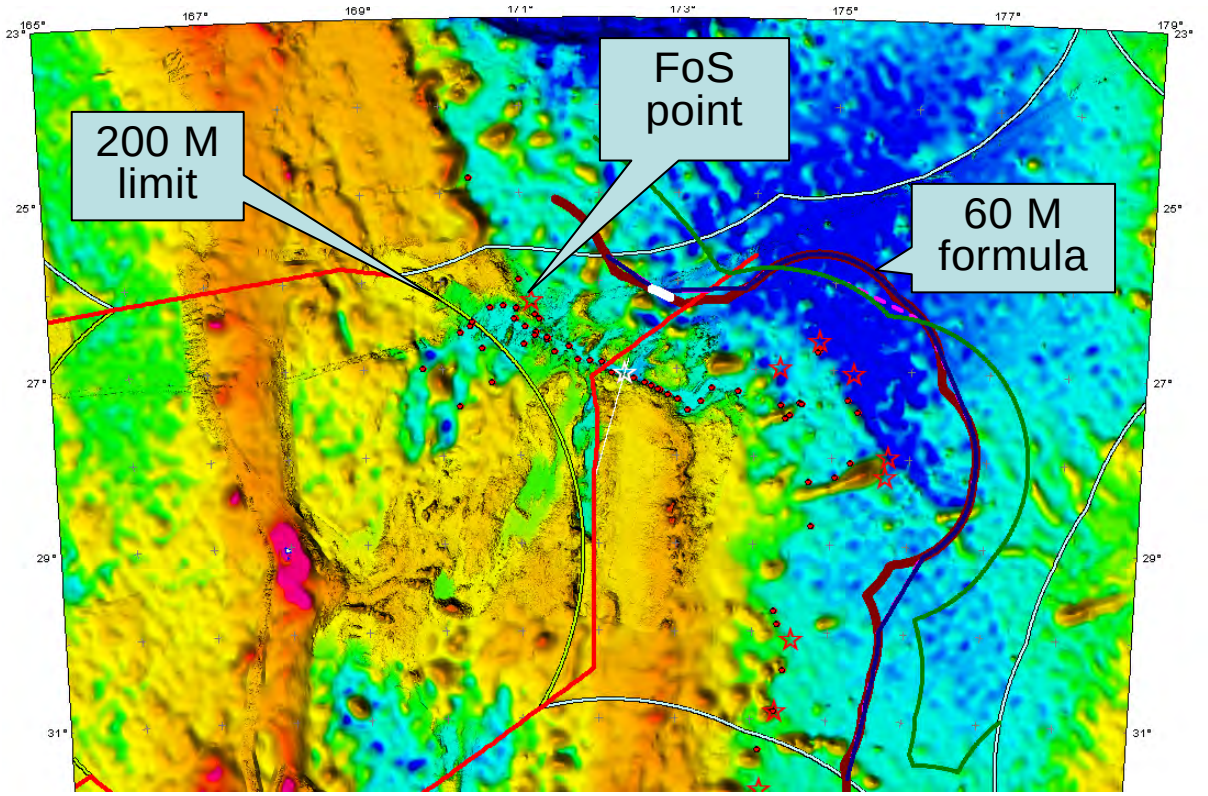

Figure H.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the Three Kings Ridge Region. The formula line is shown in blue, the combined constraint line in dark green, the Australian-French Delimitation Treaty lines in red, and the 200 M lines of Australia and neighbouring States in black bordered light green and white, respectively.

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

108 The outer edge of the continental margin as generated from the foot of the continental slope of the Three Kings Ridge Region by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to a continental shelf beyond its 200 M limits (Figure H.2).

3. The determination of foot of the continental slope

109 The Commission recognises the need for Australia to establish foot of the continental slope points also along the eastern side of the Three Kings Ridge in order to demonstrate that the extension of its continental margin entirely overlaps with the 2004 treaty boundary beyond 200 M with New Zealand on the western side of the ridge.

110 The Commission has examined the data provided in support of the other relevant foot of the continental slope points on the eastern flank of the Three Kings Ridge, i.e. TKR-FOS-93, -92, -89, -14, -10, -111. While the Commission does not agree with the way some of these points have been determined, it does recognise that those foot of the continental slope points on which it agrees with Australia suffice to establish the outer edge of the continental margin east of the Three Kings Ridge. Consequently, in the view of the Commission the area between the 200 M line of Norfolk Island and the treaty line with New Zealand on the western side of Three Kings Ridge is part of the continental margin of Australia

111 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 the Commission concludes that, in the area of the Three Kings Ridge Region, the foot of the continental slope points listed in Table H.1, Annex III, fulfil the criteria in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Three Kings Ridge Region.

4. The establishment of the outer edge of the continental margin

112 The outer edge of the continental margin of Australia for the purposes of the Convention in the Three Kings Ridge Region should be established in accordance with article 76, paragraphs 4 and 7.

113 In the Three Kings Ridge Region, Australia has submitted a formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Three Kings Ridge Region (see Figure H. 2 and Table H.1, Annex III). The Commission agrees with the way this formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

5. The establishment of the outer limits of the continental shelf

114 The outer limits of the continental shelf should be based on the established outer edge of the continental margin and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

115 In the Three Kings Ridge Region, Australia has submitted, in accordance with AUS-CLCS-DOC-51, that the formula line delineating the outer edge of the continental margin does not exceed 350 M from the territorial sea baselines. The distance criterion constraint line submitted by Australia is constructed by arcs at 350 M distance from the territorial sea baselines included in the Submission. The Commission agrees with the methods applied by Australia in the construction of this constraint line.

5.1 Recommendations

116 The outer limits of the continental shelf in the Three Kings Region as submitted by Australia in its Submission of 15 November 2004 and AUS-CLCS-DOC-51 of 10 November 2006 consist of three fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table H.2, Annex III. One of the fixed points, TKR-ECS-347, is the point of intersection between the formula line and the 200 M limit line of Matthew and Hunter Islands. The second fixed point, TKR-ECS-346, is a formula point established by the provisions contained in article 76, paragraph 4(a), that coincide with the fixed points that define the outer edge of the continental margin. The third point, TKR-ECS-R1-1, is the point of intersection between the formula line and the boundary defined by the Australian-New Zealand Delimitation Treaty. All these fixed points are located landward of the distance criteria constraint line (Figure H.3).

117 The Commission agrees with the principles applied in establishing the outer edge of the continental margin in the Three Kings Ridge Region, including the determination of the fixed formula points listed in Table H.2, Annex III, and the construction of the straight lines connecting those points. However, the establishment of the final outer limit of the continental shelf of Australia in this Region may depend on delimitation between States. The Commission recommends, taking into consideration paragraph 9 of Annex II to the Convention that Australia proceeds to establish the outer limits of the continental shelf in the Three Kings Ridge Region on the basis of the outer edge of the continental margin recommended in above and the methods applied in establishing the fixed points on this formula line, and in accordance with article 76, paragraphs 8, 9 and 10.

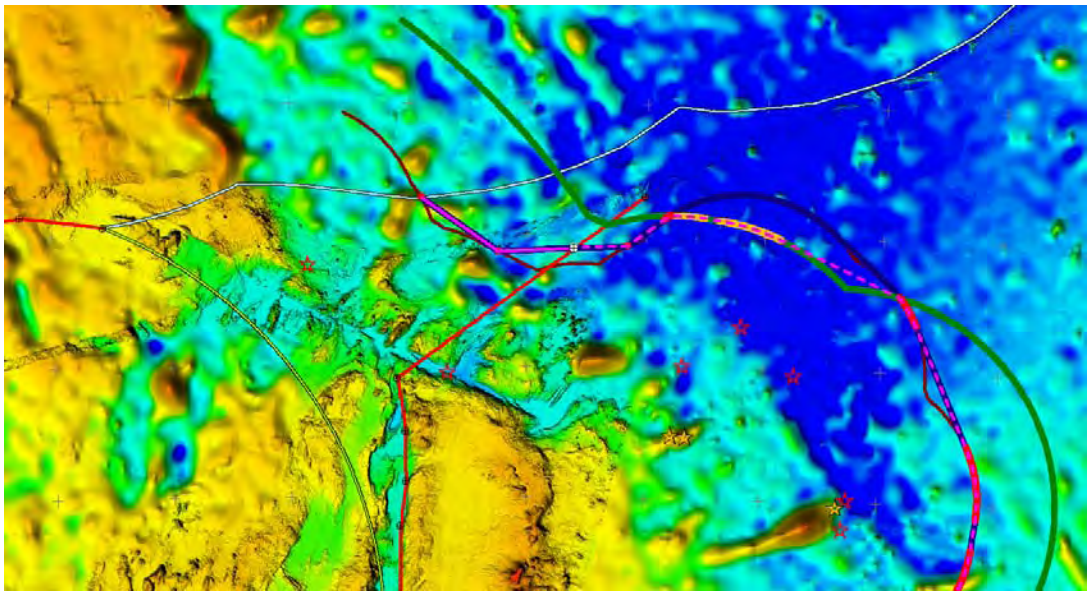

Figure H.3 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the Three Kings Ridge Region. The formula line is shown in blue, the combined constraint line in dark green, the Australian-French Delimitation Treaty lines in red, and the 200 M lines of Australia and neighbouring States in black bordered light green and white, respectively.

I. Wallaby and Exmouth Plateaus Region

1. Geographical region description

118 The Region defined as the Wallaby and Exmouth Plateaus Region in the Submission made by Australia encompasses the two major geomorphological structural elements of the Wallaby Plateau and the Exmouth Plateau, both being prominent submarine highs extending from the north-western coast of the Australian continent.

119 The Wallaby Plateau is part of a composite structural high extending from the landward shallow Carnarvon Terrace to the southeast, and consisting of the deep Wallaby Saddle, the Wallaby Plateau itself and the Quokka Rise to the northwest.

120 The Exmouth Plateau constitutes a composite submarine high to the north of the Cuvier Abyssal Plain. The Wombat Plateau, Platypus Spur and the Joey Rise are situated on the northern margin of Exmouth Plateau.

2. Submarine prolongation of landmass and entitlement to the continental shelf beyond 200 M

121 The Wallaby Composite High is a morphological feature forming a submarine prolongation of the continent. The outer edge of the continental margin as generated from the foot of the continental slope of the Wallaby Composite High by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. The Exmouth Plateau is an equidimensional morphological feature forming a submerged prolongation of the continent. The outer edge of the continental margin as generated from the foot of the continental slope of the Exmouth Plateau by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limits of Australia. On this basis, the Commission recognises the legal entitlement of Australia to establish continental shelf beyond its 200 M limits .

3. The determination of foot of the continental slope

122 The foot of the continental slope should be established in accordance with article 76, paragraph 4(b).

123 The continental slope around the Wallaby Composite High is generally steep ending on the deep ocean floor as the rise is missing. The location of the base of the continental slope, i.e. the transition from the continental slope to the deep ocean floor is distinct and easily identified on a morphological basis. Accordingly, the Wallaby Composite High may be readily delineated by its foot of the continental slope envelope and the Commission agrees with the way this foot of the continental slope is established by Australia.

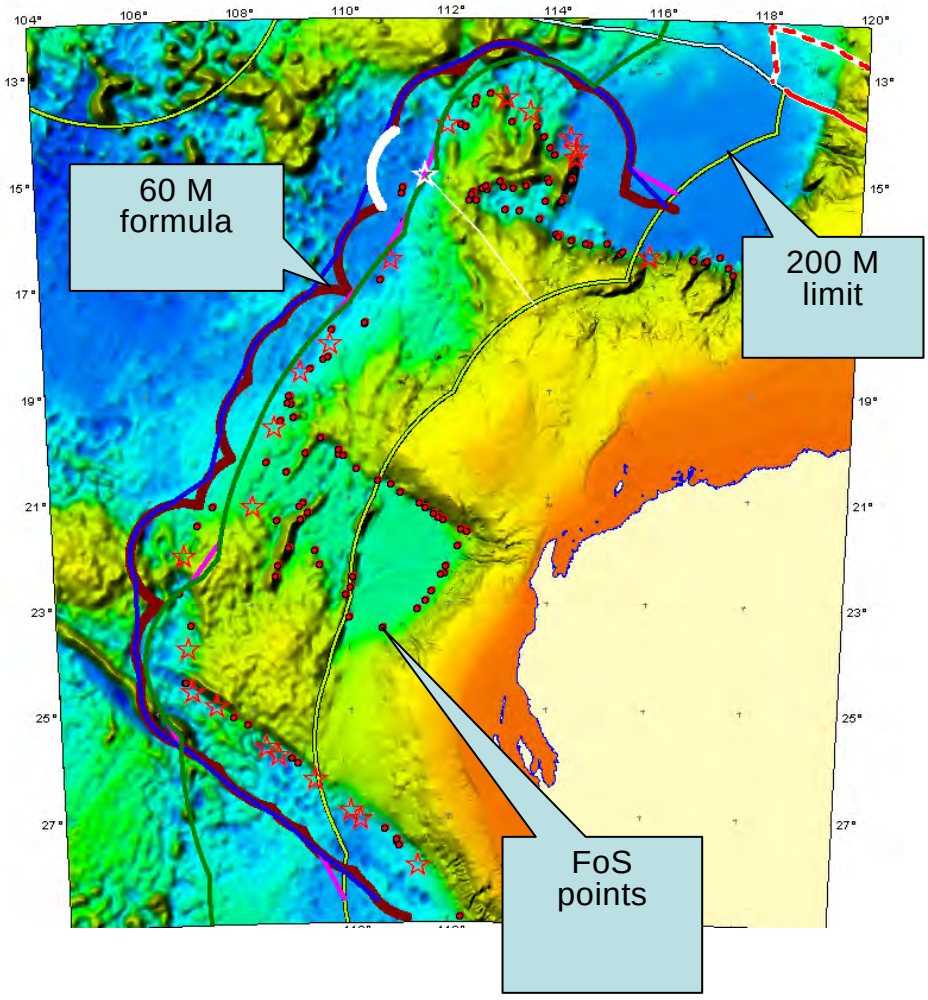

Figure I.2 Relationships between the 200 M limit, the foot of the continental slope points and the formula lines according the article 76. 4(a) in the Wallaby and Exmouth Plateaus Region.

124 The continental slope around the Exmouth Plateau is generally steep ending on the deep ocean floor as the rise is missing. The location of the base of the continental slope, i.e. the transition from the continental slope to the deep ocean floor is distinct and easily identified on a morphological basis. Accordingly, the Exmouth Plateau may be readily delineated by its foot of the continental slope envelope and the Commission agreed, in general, with the way this foot of the continental slope was established by Australia in its Submission of 15 November 2004, except in the cases of foot of continental slope points WEP-FOS-288 and WEP-FOS-406.

125 The Commission conveyed to Australia its view that, in this area the foot of the continental slope points should be placed along the base of the major slope of the plateau adjacent to the Gascoyne Embayment. In AUS-CLCS-DOC-52 of 21 December 2006 Australia amended the foot of the continental slope points accordingly.

126 Based on its consideration of the technical and scientific documentation contained in the Submission of 15 November 2004 and AUS-CLCS-DOC-52 of 21 December 2006 the Commission concludes that, in the area of the Wallaby and Exmouth Plateaus, the foot of the continental slope points listed in Table I.1, Annex III, fulfil the criteria in accordance with article 76 and Chapter 5 of the Guidelines. The Commission recommends that these foot of the continental slope points should form the basis for the establishment of the outer edge of the continental margin of Australia for the purposes of the Convention in the Wallaby and Exmouth Plateaus Region.

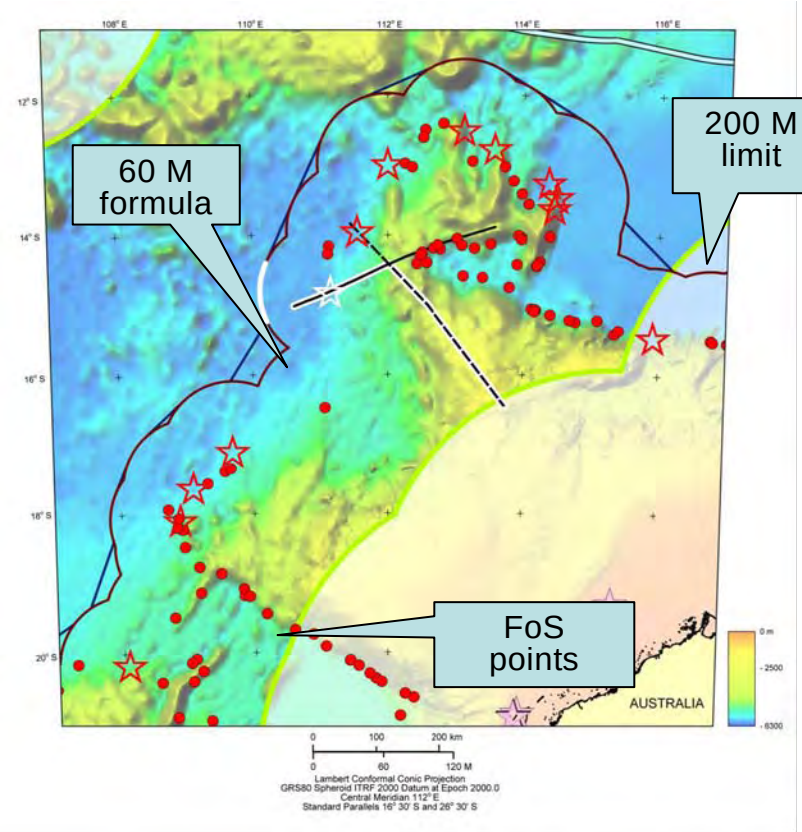

Figure I.3 Foot of the continental slope points and 60 M formula line in the Exmouth Plateau area as amended by Australia in AUS-CLCS-DOC-52 submitted 21 December 2006.

4. The establishment of the outer edge of the continental margin

127 The outer edge of the continental margin of Australia for the purposes of the Convention in the Wallaby and Exmouth Plateaus Region should be established in accordance with article 76, paragraphs 4 and 7.

128 In the Wallaby and Exmouth Plateaus Region, Australia has submitted a formula line in accordance with article 76, paragraphs 4(a) and 7, that delineates the outer edge of the continental margin beyond 200 M in the Wallaby and Exmouth Plateaus Region (see Figure I.2 and I.3 and Table I.1, Annex III). The Commission agrees with the way this

formula line has been constructed and recommends that it is used as the basis for establishing the outer limit of the continental shelf in this Region.

5. The establishment of the outer limits of the continental shelf

129 The outer limits of the continental shelf should be based on the established outer edge of the continental margin and taking into consideration the constraints contained in article 76, paragraphs 2, 5 and 6.

5.1 The application of constraint criteria

130 The outer limits of the continental shelf cannot extend beyond the constraints as per the provisions contained in article 76, paragraphs 5 and 6. Accordingly, the provision that the outer limits of the continental shelf shall not exceed 350 M distance from the territorial sea baselines (the distance criterion constraint) may be applied in all cases. Alternatively, the provision that the outer limits of the continental shelf shall not exceed 100 M distance from the 2500 m isobath (the depth criterion constraint) may be applied for those parts of the continental margin that are classified as natural components of that margin.

131 The application of the constraint criteria involves, firstly, the construction of the constraint line based on the distance criterion and the constraint line based on the depth criterion. Secondly, it involves the combination of these two constraint lines to establish of a final combined constraint line to be applied in accordance with the provisions contained in article 76, paragraphs 5 and 6.

132 For the outer limits of the continental shelf in the Wallaby and Exmouth Plateaus Region, Australia has invoked a combination of the distance criterion constraint and the depth criterion constraint. In the view of the Commission, the consideration of the application of the depth criterion constraint involves the examination of whether the seafloor highs in the Wallaby and Exmouth Plateaus Region may be considered natural components of the continental margin. For the remaining parts of the outer limits the consideration involves an examination of the construction of the distance criterion constraint line.

5.1.1 The construction of the distance criterion line

133 The distance criterion constraint line submitted by Australia is constructed by arcs at 350 M distance from the territorial sea baselines included in the Submission. The Commission agrees with the methods applied by Australia in the construction of this constraint line.

5.1.2 The construction of the depth criterion line

134 The 2500 m isobaths, on which the depth criterion constraint line is based, are a landward continuous isobath and outer isobaths on the Wallaby Plateau, Platypus Spur and Joey Rise. Australia submits the view that, since all these isobaths are landward of the foot of the continental slope, they conform to the general outline of the continental margin as defined for the purposes of the Convention. Therefore, the application of these isobaths as basis for the depth criterion constraint is in accordance with the Convention and with paragraphs 4.4.1 and 4.4.2 of the Guidelines.

135 The Commission agrees with this view and recommends that the depth criterion constraint line is constructed as submitted by Australia.

5.1.3 Consideration and classification of submarine highs

136 According to Australia, the Wallaby Composite High qualifies as a submarine elevation (in the sense of article 76, paragraph 6) that may be subject to either constraint criteria. Based on morphology only, Australia holds the view that the Wallaby Composite High is not a ridge and, in addition, Australia maintains that the high is formed under the rifting and break-up of the continent in accordance with paragraph 7.3.1.b of the Guidelines.

137 However, on the basis of the data and information presented the geological origin of the whole Wallaby Composite High still remains unresolved. Nevertheless, on the balance of morphological and geological evidence presented, the Commission agrees that the Wallaby Composite High is to be regarded as a submarine elevation that is a natural component of the continental margin in the sense of article 76, paragraph 6, qualifying for the application of the depth criterion constraint.

138 Bridged by the Platypus Spur, the Joey Rise constitutes the north-westernmost extension of the Exmouth Plateau. Australia classifies the Joey Rise as a submarine elevation that is a natural component of the continental margin in the sense of article 76, paragraph 6. Based on morphology only, Australia holds the view that the Joey Rise is not a ridge and, in addition, Australia maintains that the rise is formed under the rifting and break-up of the continent in accordance with paragraph 7.3.1.b of the Guidelines. The view of the Commission, however, is that the data presented on the origin of the Joey Rise is too sparse to be conclusive. Therefore the Commission does not consider it proven that the Joey Rise should be regarded as a submarine elevation that is a natural component of the continental margin in the sense of article 76, paragraph 6, qualifying for the application of the depth criterion constraint.

139 The Commission recognises, however, that by way of the foot of the continental slope envelope and morphology the Joey Rise is part of the submerged prolongation of the landmass of Australia and, as such, is part of the continental margin of Australia.

140 Based on the geological and geophysical data provided, the Commission is of the opinion that the Exmouth Plateau, including the Wombat Plateau and the Platypus Spur, is continental in origin and constitutes a natural prolongation of the Australian continental landmass. The Commission is of the opinion that the Exmouth Plateau is classified as a submarine elevation that is a natural component of the continental margin in the sense of article 76, paragraph 6, and qualifies for the application of the depth criterion constraint.

5.1.4 Application of the combination of the distance and the depth constraint criteria

141 In the Wallaby and Exmouth Plateaus Region Australia has applied a combined constraint line based on the application of both the distance and depth criteria and based on the view that all submarine highs involved qualifies for the application of the depth constraint criterion as well as the distance constraint criterion. The Commission is of the opinion that the application of those parts of that combined constraint line which are based on the 2500 m isobaths on the Joey Rise is not justified since the nature of that submarine high with regard to article 76, paragraph 6, is not considered

proven. The Commission recommends that the combined constraint line to be applied should be adjusted accordingly.

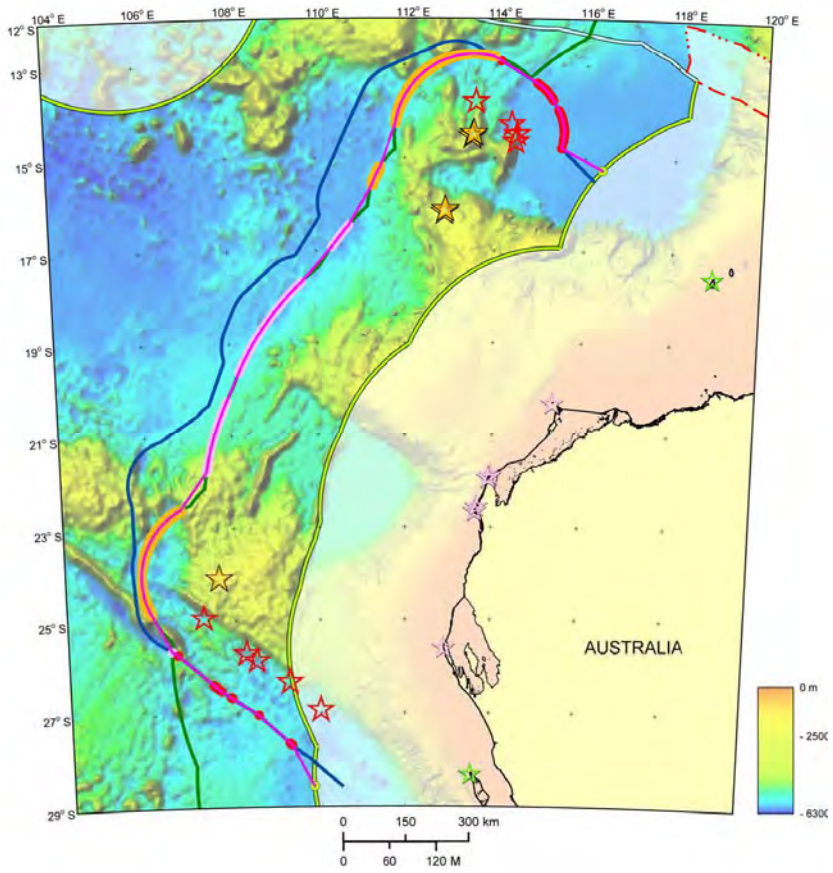

Figure I.4. Outer limits of the continental shelf (violet line) in the Wallaby and Exmouth Plateaus Region as submitted by Australia in AUS-CLCS-DOC-52. Outer edge of continental margin line (blue), combined constraint line (green), 60 M distance formula points (red), depth constraint criterion points (orange), distance criterion constraint points (pink).

5.2 Recommendations

142 The outer limits of the continental shelf in the Wallaby and Exmouth Plateaus Region as submitted by Australia on 15 November 2004 and revised in AUS-CLCS-DOC-52 of 21 December 2006 consist of fixed points connected by straight lines not exceeding 60 M in length. The fixed points are listed in Table I.2, Annex III, as submitted on 15 November 2004. The fixed points are formula points established by the provisions contained in article 76, paragraph 4(a), or points on the combined constraint line

established by the provisions contained in article 76, paragraphs 5 and 6. Two points, WEP-ECS-1 and WEP-ECS-966 are located on the 200 M limit line (Figure I.4).

143 The Commission does not agree that the application of fixed points WEP-ECS-150 to WEP-ECS-413 is justified since these points are established on the basis of the depth constraint criteria as based on the 2500 m isobaths on the Joey Rise. The Commission recommends that the basis for the establishment of these fixed points be further substantiated or that they be replaced by fixed points in accordance with the distance criterion constraint.

144 In accordance with paragraph 8 above, the Commission does not agree with the method submitted by Australia for the connection of outer limit continental shelf points beyond 200 M to the 200 M limit line at points WEP-ECS-1 and WEP-ECS-966, since this method creates area of continental shelf that falls outside of the continental margin as defined in article 76, paragraphs 4 and 7. The Commission recommends that points WEP-ECS-1 and WEP-ECS-966, and their respective connecting lines, be replaced by points and lines that conform to the outer edge of the continental margin.

145 With the exception of fixed points WEP-ECS-1 and WEP-ECS-966, WEP-ECS-151 to WEP-ECS-413 the Commission agrees with the principles applied in establishing the outer limits of the continental shelf in the Wallaby and Exmouth Plateaus Region, including the determination of the remaining fixed points listed in Table I.2, Annex III, and the construction of the straight lines connecting those points. The Commission further recommends that Australia proceeds to establish the outer limits of the continental shelf in the Wallaby and Exmouth Plateaus Region accordingly.

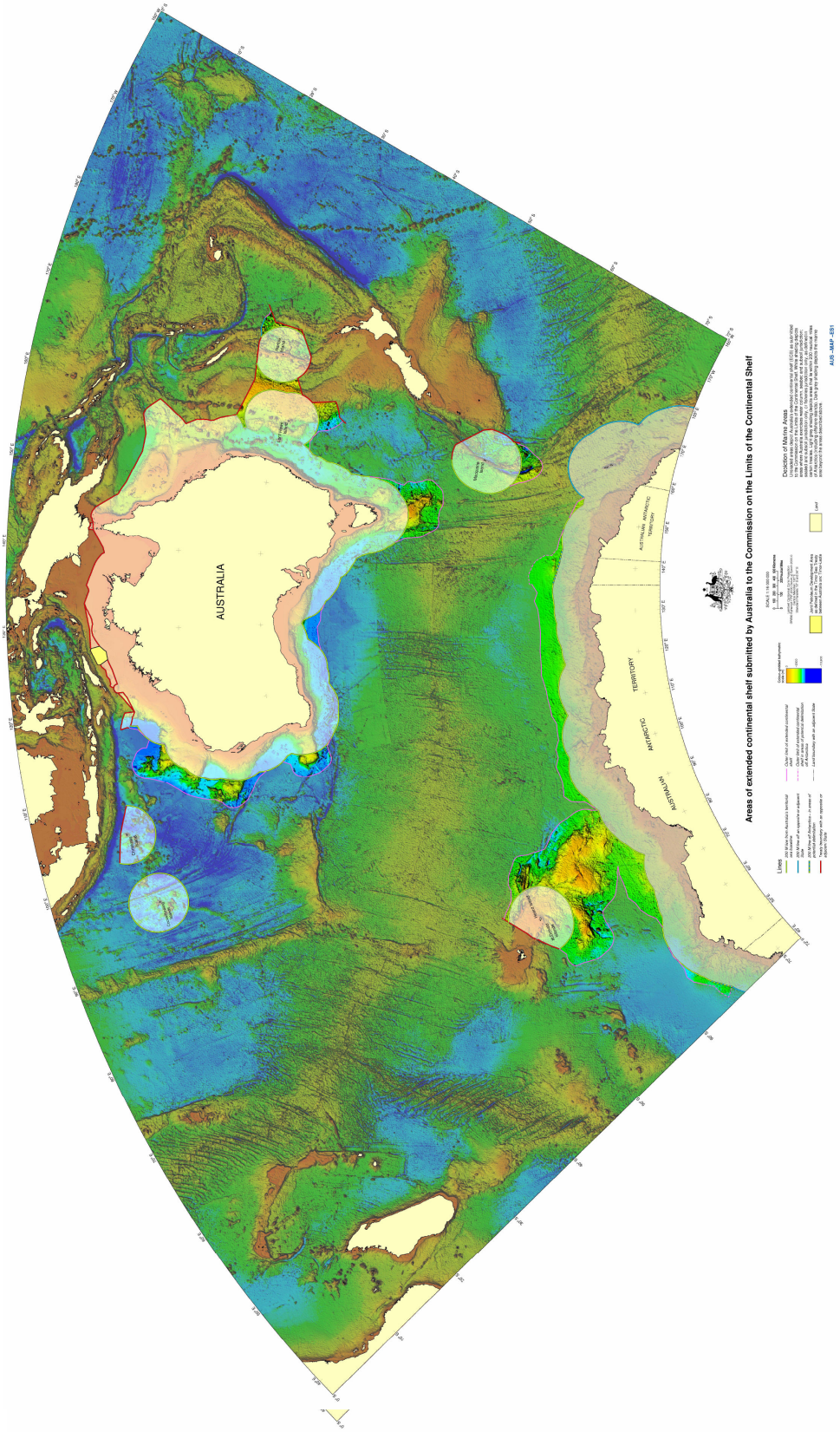

Figure 2. Outer limts of the continental shelf of Australia as submitted 15 November 2004. Outer limit line in pink.

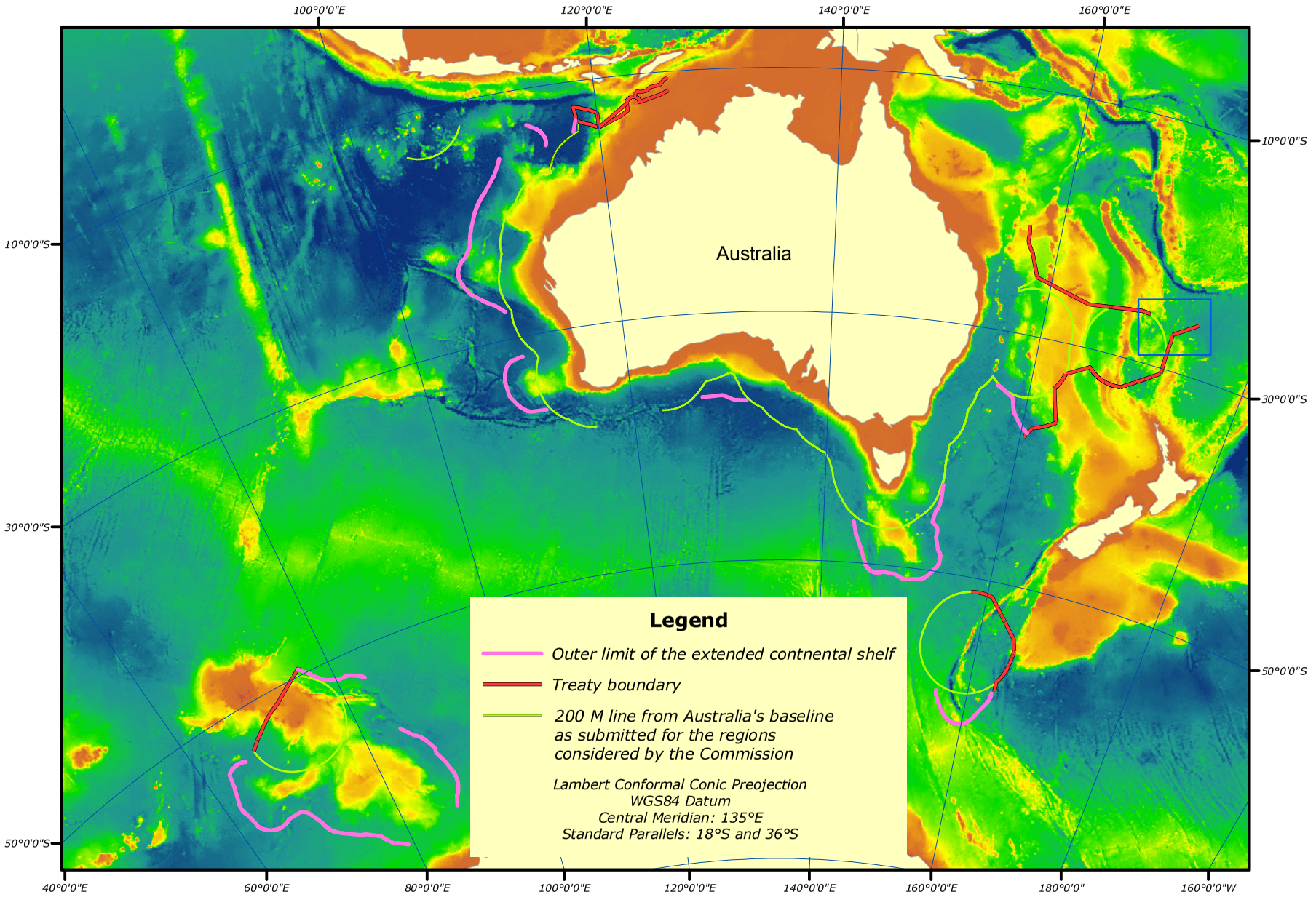

Figure 3. Outer limits of the continental shelf of Australia reflecting the recommendations of the Commission adopted 9 April. The final outer limit of the continental shelf of Australia in the Three Kings Region (the blue rectangle) may depend on delimitation between states.